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# Driving and Riding at Work

Health and Safety Arrangements

Health and Safety Service

Contents

[1. Aim 4](#_Toc156221069)

[2. Scope 4](#_Toc156221070)

[3. Who can help? 4](#_Toc156221071)

[4. Document Control 4](#_Toc156221072)

[5. Glossary 4](#_Toc156221073)

[6. Definition of Driving and Riding at Work 5](#_Toc156221074)

[7. Health and Safety Hazards 5](#_Toc156221075)

[7.1. The Journey (for example): 5](#_Toc156221076)

[7.2. The driver: 5](#_Toc156221077)

[7.3. The vehicle: 5](#_Toc156221078)

[8. Responsibilities 6](#_Toc156221079)

[8.1. Senior Managers/Head teachers 6](#_Toc156221080)

[8.2. Managers 6](#_Toc156221081)

[8.3. All Staff 6](#_Toc156221082)

[8.4. Visitors and Volunteers 6](#_Toc156221083)

[8.5. Contractors 6](#_Toc156221084)

[9. Relation to other Driving Policies 6](#_Toc156221085)

[10. Risk Assessment 7](#_Toc156221086)

[11. Scope of risk assessments 8](#_Toc156221087)

[12. Manager’s duties and responsibilities 8](#_Toc156221088)

[13. Staff/volunteer driver duties and responsibilities 10](#_Toc156221089)

[14. Health and Driving 11](#_Toc156221090)

[15. Medical Rules 12](#_Toc156221091)

[16. Fatigue, drugs, and alcohol 12](#_Toc156221092)

[17. Long-term illness 13](#_Toc156221093)

[18. Drivers with disabilities 13](#_Toc156221094)

[19. Stress and other mental health issues 13](#_Toc156221095)

[20. Eyesight 13](#_Toc156221096)

[21. Pregnancy 14](#_Toc156221097)

[22. Journey Planning 14](#_Toc156221098)

[23. Country Familiarisation 14](#_Toc156221099)

[24. Vehicle Purchasing/lease/hire 15](#_Toc156221100)

[25. Incident reporting, investigation, and monitoring 15](#_Toc156221101)

[26. Investigation 15](#_Toc156221102)

[27. Emergencies 15](#_Toc156221103)

[28. Police liaison and co-operation 16](#_Toc156221104)

[29. Driver checks and qualifications 16](#_Toc156221105)

[30. Driver Training 16](#_Toc156221106)

[31. Vehicle Maintenance and Insurance 17](#_Toc156221107)

[32. Vehicles owned by staff/volunteers 17](#_Toc156221108)

[33. Communication and similar vehicle technology 17](#_Toc156221109)

[33.1. Using hand-held devices: 17](#_Toc156221110)

[33.2. Using devices hands-free: 18](#_Toc156221111)

[33.3. Satellite navigation systems: 18](#_Toc156221112)

[34. Driver distraction 18](#_Toc156221113)

[35. Smoking 19](#_Toc156221114)

[36. Further information 19](#_Toc156221115)

[37. Appendix A – Pedal cycles used for work 20](#_Toc156221116)

[37.1. Insurance: 20](#_Toc156221117)

[37.2. Pool cycles: 20](#_Toc156221118)

[37.3. Risk assessment: 20](#_Toc156221119)

[37.4. Training: 21](#_Toc156221120)

[37.5. Cycling equipment: 21](#_Toc156221121)

[37.6. Inspection and maintenance: 22](#_Toc156221122)

[37.7. Cycle route planning: 22](#_Toc156221123)

Ctrl and Click to jump to section

## Aim

The aim of these Arrangements is set out how West Sussex County Council will comply with the Health & Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, Road Traffic Act(s) and the Road Vehicles (Construction & Use) Regulations 1986 (as amended).

## Scope

These Arrangements apply across all areas of service throughout the council wherever services are delivered including schools but excluding West Sussex Fire & Rescue Service who must make their own arrangements for the management of driving and riding at work.

They apply wherever staff drive a vehicle, ride a motorcycle or other powered or pedalled cycle on the public highway.

**Note –** Any reference to ‘driving’ or ‘driver’ etc, in these Arrangements will also apply to staff and volunteers who are ‘riding’ or ‘riders’ of a motorcycle or other powered or pedalled cycle, as applicable. Similarly, any reference to ‘vehicle’ in this guidance, will also apply to a motorcycle or other powered or pedalled cycle, as applicable.

## Who can help?

Health and Safety Service - [healthandsafety@westsussex.gov.uk](mailto:healthandsafety@westsussex.gov.uk), 01243 752025

The Point – [Health, Safety, and Wellbeing Zone](https://westsussex.sharepoint.com/sites/TP_health)

[West Sussex Services for Schools](http://schools.westsussex.gov.uk/)

Facilities Management – [Home (concerto.co.uk)](https://westsussex.concerto.co.uk/content/home.aspx?lgd=1&hash=93a8d6f9632528a1d6db4ee2f6387196b05cd019ffbafac464649adc2a4ac2bc)

If you require this document in an alternative format, then please contact the HR Policy Queries email: [HRPolicyQueries@westsussex.gov.uk](mailto:HRPolicyQueries@westsussex.gov.uk).

## Document Control

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| --- | --- | --- | --- |
| Date | Comments | Author | Version Number |
| January, 2024 | Version number reset as document moved to new format and updated to arrangements. Responsibilities section added, no significant changes to the arrangements. | J. Tindall | 1.0 |

## Glossary

|  |  |
| --- | --- |
| Abbreviation | Explanation |
| CVD | Cardiovascular Disease |
| DSE | Display Screen Equipment |
| DVLA | Driver and Vehicle Licensing Authority |
| FM | Facilities Management |
| HGV | Heavy Goods Vehicle |
| HR | Human Resources |
| HSE | Health and Safety Executive |
| HSS | Health and Safety Service |
| MOT | Ministry of Transport |
| PSV | Public Service Vehicle |
| ROSPA | Royal Society for the Prevention of Accidents |
| RTC | Road Traffic Collison |
| SRP | Site Responsible Person |
| The Council | West Sussex County Council |
| UKAS | United Kingdom Accreditation Service |
| Vehicle | Includes 2 and 4 wheeled motorised vehicles and pedal cycles |
| WSCC | West Sussex County Council |
| WSSfS | West Sussex Services for Schools |

## Definition of Driving and Riding at Work

A person is at work when driving between places of work (but not commuting from or to home and their normal place of work, unless they are travelling from their home to somewhere for work which is not their usual place of work).

## Health and Safety Hazards

The health and safety risks are inherent in – the journey, the driver, the vehicle.

### The Journey (for example):

* Unrealistic scheduling - long journeys and long driving hours without adequate rest breaks, causing driver tiredness/fatigue/stress.
* Unsafe routes.
* Driver unfamiliar with area.
* Adverse weather conditions.
* Behaviour of other road users.

### The driver:

* Inexperience driver.
* Unlicensed driver.
* Poor or inappropriate driving techniques.
* Decreased driving ability due to distractions, for example using a phone or other hand-held device.
* Impaired driving ability due to the effects of alcohol/drugs.
* Disability or ill-health affecting fitness to drive.

### The vehicle:

* Vehicle in poor condition.
* Mechanical failure of vehicle.
* Driver unfamiliar with vehicle.
* Vehicle not suitable for the activity.
* Driver/passenger being struck by movement of unsecured loads carried in the vehicle.
* Driver suffers musculoskeletal injuries from incorrect driving position or posture.

## Responsibilities

### Senior Managers/Head teachers

Senior Managers/Head teachers are responsible for ensuring that these arrangements are adhered to by staff within their areas.

### Managers

Managers should ensure any staff driving or riding at work follow the requirements of these arrangements, including relevant risk assessment, training, vehicle checks, and driving eligibility checks. Managers should undertake annual checks to ensure staff are still eligible to drive for work.

### All Staff

All staff should adhere to these arrangements, including any requirements to disclose information to their manager regarding their eligibility to drive. They should ensure they carry out daily pre-use checks of any vehicle they use for work related driving and are responsible for their own safety whilst driving in line with relevant legislation.

### Visitors and Volunteers

Visitors and Volunteers should adhere to these regulations if they are required to drive as part of any activities, they engage in with WSCC, excluding any commuting type of activity.

### Contractors

Contractors are responsible for their own driving safety for all their employees and themselves. They must adhere to WSCC local procedures regarding safe use of vehicles on WSCC premises, for example work vans and plant parking or driving on WSCC sites.

## Relation to other Driving Policies

These Arrangements support the councils’ HR [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) and assists line/team managers and head teachers to minimise risks to health and safety. The HR Driving Policy and these Arrangements outline the minimum standards expected of council staff and volunteers.

Line/team managers and Head Teachers must refer, in the first instance, to the council’s HR Driving Policy and these Arrangements. They must also refer to the specific information for drivers, and the information from the council’s [Road Safety Education, Training and Publicity Team](https://westsussex.sharepoint.com/sites/TP_Library/SitePages/Driver-awareness-training.aspx) and from their own service unit (including where relevant, related information on lone working, work-related violence/dealing with aggression, carriage of dangerous goods and fuel, working at height).

Line managers/Head Teachers should note that the Health and Safety Executive Guidelines for [‘Driving at Work’](https://www.hse.gov.uk/roadsafety/) states that “…..you must manage health and safety risks to workers who drive a vehicle or ride a motorcycle, other powered two-wheeler or bicycle on the road as part of a work activity. Health and safety law applies to work activities on the road in the same way as it does on a fixed site”.

The HR Driving Policy classifies drivers as either ‘Vocational Drivers’ or ‘Other Drivers’ along with specific requirements attached to each group. It is also important to observe the information on the [Working Time Regulations](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Working-at-WSCC-policies.aspx#working-time).

Any volunteer drivers who drive at work, under any category, must be managed by whoever the ‘parent’ council service may be, and they will also have to comply with the Working Time Regulations.

These Arrangements do not cover in detail the strict legal requirements of road traffic law and associated regulations. However, all staff are expected to observe this legislation at all times when driving at work. Failure to do so may result in internal disciplinary procedures being initiated.

## Risk Assessment

The key element in the management of occupational road risk is the risk assessment. The risk assessment must identify all of the risks that employees face while at work, and of others affected by the council’s business, and to take all reasonably practicable steps to minimise the risks. This duty extends to staff using their own vehicles for work purposes.

The risk assessment must be completed under the direction of line/team managers and head teachers who remain responsible for ensuring it is suitable and sufficient. The task of risk assessment may be delegated to competent staff – refer to [Risk Assessment](https://westsussex.sharepoint.com/sites/TP_health/SitePages/risk-assessment.aspx), local guidance and these two sections on risk assessment. Line/team managers and head teachers should identify those members of staff and volunteers who are exposed to greater risks from occupational driving. The non-exhaustive list of factors for generic assessments may include:

* Staff who make regular long journeys (over 50 miles).
* Have higher annual work mileages (over 10,000 miles).
* Have had two or more blameworthy accidents in 12 months.
* Carry several passengers or are drivers in known high risk groups such as those under the age of twenty-two.
* Those who use tail lifts, ramps or load and unload roof racks.
* Those whose work may involve driving at slower speeds whilst inspecting high speed unrestricted dual carriageways or roads with poor visibility.
* Others who carry passengers with special needs and will face different hazards such as challenging behaviour or violence, and which may cause significant distraction for drivers.
* Regular driving at night, or if the driver has many sites to visit in one day with fixed times for arrival, thereby imparting more pressure.

Please see example [pre-drive checklist](https://westsussex.sharepoint.com/sites/TP_health/SitePages/policy-guidance-and-templates.aspx#managing-people), model [drivers risk assessment](https://westsussex.sharepoint.com/sites/TP_health/SitePages/policy-guidance-and-templates.aspx#policies-and-guidance-8) on the WSCC intranet The Point and on the WSSfS\* risk assessments models and transport pages.

## Scope of risk assessments

The risk assessments will cover two main areas:

1. A holistic and most likely generic (general) one for each category of driver defining the risk level arising from day-to-day driving tasks, including hazards involved with the work process as well as the actual driving.
2. Where considered necessary a person-specific assessment related to any and every process connected to the driving duty, but which may also include medical or mental health issues.

The risk assessments must be undertaken by trained and competent staff. These people will have attended a risk assessment training courses and will themselves be drivers with some experience of the tasks to be performed. Advice can also be obtained from the Health and Safety Service and Road Safety Team, and it is good practice to involve other suitable team members in the assessment process, creating a risk assessment team. Where the person-specific risk assessment may concern a member of staff or volunteer, and be of a sensitive nature, a team approach may not be suitable.

When undertaking an individual/person-specific assessment, the following non-exhaustive points for consideration should be included:

* Driver age and driving experience.
* Driver attitude, general behaviour, and ability to cope with driving pressures.
* Driver health/medical conditions (including pregnancy) and eyesight acuity.
* Driver record - convictions, RTCs, and if any training has been attended.
* Driver hours-daily/weekly.
* Driver distances-daily/weekly.
* Driver tasks-generic and specific.
* Types of roads/routes.
* Vehicle type(s) and driver’s experience of these vehicles.

Other hazards from the work activity, which may impact on the driver or passengers.

## Manager’s duties and responsibilities

When line managers/Head teachers have identified the risks to staff and others affected, there are some steps that they should implement, in so far as is reasonably practicable, to reduce the risks.

In addition to the responsibilities contained in the HR [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) the line/team manager and Head Teacher will:

* Support the Council’s [Travelwise](http://theintranet.westsussex.gov.uk/Library/Pages/Travelwise.aspx?A-Z=true) initiative by looking at which journeys are necessary, and see if other methods of communication such as video/telephone conferencing could be equally effective and practicable;
* Take reasonable steps such as random checks to ensure staff have undergone the recommended eye test regime required by the HR Driving Policy.
* Raise driver’s awareness, as regards the implications for the individual and the Council, of speeding and ensure they understand and respect all types of speed limits.
* Ensure training is undertaken to improve driving skills, particularly [Driver Awareness Training](https://westsussex.sharepoint.com/sites/TP_Library/SitePages/Driver-awareness-training.aspx) and Young Driver Training (information is available from The Road Safety Education, Training and Publicity Team on 01243 642986); also training specific to the task and vehicle such as off-road driving;
* Ensure that any driver, in addition to the above, who has collected six points on their licence, or has had two blameworthy RTCs or as otherwise indicated through risk assessment or incident, attends Driver Awareness Training or other suitable remedial training.
* Where necessary ensure drivers, who have been ill or injured are properly assessed on their return to work for fitness to drive.
* Discourage drivers from using their vehicle as a travelling office for prolonged periods, for example using their car regularly as a laptop computer workstation for extended periods.
* Do not permit unsuitable vehicles to be used for work purposes.
* Ensure that staff/volunteers are reminded of the importance of regular vehicle safety checks and the need to do so.
* Provide high-visibility garments to BS EN471, Class 3/2 as appropriate for those whose work will at any time place them on foot in the live carriageway, whether habitually or in the event of a breakdown, vehicle fire or RTC etc.
* Provide vehicle first aid kits for work use as required on a risk basis.
* Ensuring that the documents (driving licence, insurance and MOT) of all drivers, whether vocational or ‘other’ are checked in accordance with HR [Driving Policy](http://theintranet.westsussex.gov.uk/Library/Pages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx) and that records are kept of the check. An MOT is required for all vehicles over three years old.
* Ensure that staff or volunteers are not required and do not carry any hazardous materials (e.g., used batteries, stored fuel etc) during the course of their work other than those permitted by law and assessed as being of low risk.
* Ensure that staff/volunteers do not carry loads for which the vehicle is unsuited.
* Ensure that vehicles are not used in conditions for which they are not designed, e.g., off-road.
* Inform employees, during induction, about the arrangements regarding work-related driving as set out in the HR Driving Policy.
* Ensure where appropriate, as risk reduction controls, that drivers are aware of the very high risk created by manoeuvring, especially reversing and that reversing aids are fitted and are in place on vehicles requiring them, such as minibuses.
* Ensure work-related road safety is included in team meetings and safety training sessions.
* Challenge unsafe driver attitudes and behaviours and remedy them by firm management and training where necessary.
* Be aware of any Permit to Drive requirements required by their drivers (e.g., minibus permit).
* Take into account both the physiological and psychological capabilities and limitations of drivers, reasonably ensuring they are fit to drive.

## Staff/volunteer driver duties and responsibilities

In addition to the key responsibilities contained in the [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) drivers must:

* Read, understand, and follow the Driving Policy and any relevant business unit guidance.
* Ensure appropriate regular vehicle checks are made; and managers informed of defects; [see pre-checklist](https://westsussex.sharepoint.com/sites/TP_health/SitePages/policy-guidance-and-templates.aspx#managing-people)
* Keep their private vehicle suitably serviced and maintained in accordance with manufacturer’s instructions.
* Check that their private vehicle is insured for business use and has breakdown cover.
* Arrange for periodic full eyesight tests, two yearly as recommended by the HR Driving Policy, especially as they get older, and need to wear corrective lenses for driving.
* Familiarise themselves with the type and make of vehicle they may have to drive before they venture out onto the public highway. Just a few minutes practice may make all the difference.
* Ensure they do not drive vehicles about which they may feel apprehensive/incompetent to drive without formal training, such as inspection vehicles, four-wheel drive vehicles, large vans etc.
* Plan their journeys, particularly journeys to new destinations, giving adequate time to allow for expected or unexpected traffic congestion and finding a parking space.
* Park in safe places, avoiding remote and unlit places if possible.
* Take at least 15 minutes break in every two-hour period of driving.
* Be courteous and avoid actions that may provoke other drivers into aggressive behaviour (road-rage).
* Not drive if tired, or if suffering from temporary ill-health conditions which may impair judgement or ability, e.g., serious migraine, severe back pain etc.
* Not to drive if under the influence of alcohol, (bear in mind alcohol consumed the night before may still influence driving performance the next day)
* Not to drive if under the influence of any drug or substance that impairs driver performance. This includes legal, prescription and over-the-counter medication where excess dosage can impair driving performance. Drivers should check out the possible adverse effects of the medication on driving listed on the information leaflet in the medication package or with the pharmacist or their GP.
* Ensure a high visibility garment (BS EN471, Class 3/2) and first aid kit are available in the vehicle.
* Inform Driver and Vehicle Licensing Agency (DVLA) of any change of address.
* Inform DVLA and their line/team manager or head teacher of any medical condition that affects their ability to drive safely.
* Ensure valid vehicle tax (Vehicle Excise Duty – VED) has been paid (privately owned vehicles).
* Make appropriate use of any equipment issued for their safety or others at work (e.g., high visibility garments, roof beacons etc).
* Refuse to drive a defective vehicle.
* Co-operate with Police, Health & Safety Executive (HSE), DVLA enquiries and internal investigations.
* Not to smoke in Council vehicles or any vehicles used for work in which other (non-smoking) persons are required to travel.
* Not use their vehicle as a travelling office for prolonged periods, for example using their car regularly as a laptop computer workstation for extended periods.

## Health and Driving

Drivers must be medically fit to drive, whatever the vehicle type or their driving category. A person’s fitness to drive can be affected by a medical condition, temporary illness or by the environment in which they live, work and drive. Serious medical conditions such as cardiovascular disease (CVD), diabetes, various tumours especially those in the brain or deteriorating eyesight as well as those health issues that are less serious such as stress, sleep disturbance, migraine, flu or severe colds can all lead to unsafe driving, as can the treatment for these conditions.

Driving, if not properly managed can aggravate an existing condition such as lower back pain or work-related upper limb disorder and all such issues must be considered when compiling the risk assessment. Few workers have perfect health, so a sense of proportion should be maintained, and care taken not to discriminate.

Where the driver’s ill-health is temporary, the ability to drive and concentrate can be as adversely affected as for serious or longer-term illness, but a sensible approach is needed. A driver may be able to still drive if a little under the weather but also a point may well be reached where it would be unwise to continue.

All staff should be empowered to assess whether they are fit to drive, however, a line/team manager and head teacher may have to act in borderline or extreme cases. Where there is any concern about a staff member’s medical condition potentially affecting their ability to drive, the line/team manager or head teacher should make use of a referral to Occupational Health to ask them how a medical condition or illness will affect their ability to drive safely. The referral must be accompanied by the risk assessment for the driver, vehicle and task(s).

Line/team managers and head teachers should also be aware that during pregnancy, the needs of an expectant mother will change, and these must be taken into account during regular reviews of the risk assessment for working expectant and nursing mothers.

## Medical Rules

The DVLA is legally responsible for deciding if a person is fit to drive but this may be determined within the council by risk assessment. However, no risk assessment may overturn a statutory requirement.

Stricter medical rules will apply to council vocational drivers of vehicles requiring a Large Goods Vehicle (LGV, formerly HGV) or Passenger Carrying Vehicle (PCV, formerly PSV) licence. This information can be found within the [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4).

Some medical conditions mean that a driver must surrender their licence and not drive until passed fit to drive again by their GP or Consultant.

Line/team managers and head teachers and drivers should be generally aware of reportable health conditions and the action to be taken in the event of discovering the existence of such conditions.

In addition to the HR Driving Policy, the DVLA website has a [guide to medical conditions and fitness to drive](https://www.gov.uk/health-conditions-and-driving). In practice drivers and line/team managers and head teachers will be guided by reports by GP’s or other health specialists.

All staff must be aware that it is a criminal offence for a driver not to report to the DVLA any condition that affects their ability to drive safely. Line/team managers and head teachers who conceal this information should be aware that they may also be guilty of a criminal offence.

All staff must notify their line/team managers and head teachers of any condition reported to DVLA, and anything that affects their ability to drive safely.

Further advice on managing driver medicals is available from HR see [Drivers Medicals - New Starters, Drivers’ Medicals – Re-checking Process Existing Staff, Drivers’ Medical Certification Form](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4).

## Fatigue, drugs, and alcohol

Various studies have shown that fatigue is a significant factor in crashes involving someone who was driving for work at the time. Such incidents are most likely following sleep deprivation, on long or monotonous journeys, between 0200-0600 or 1400-1600 hours, after taking some types of medication, or travelling home after shifts.

Unwittingly, drivers try to stay awake by turning up air conditioning, opening windows, turning up the radio, talking or singing. These are all very short-term measures, valid for a few minutes only and will not stop drivers from falling asleep. They should only be employed in order to get to a safe place to stop and rest. If drivers feel tired and sleepy, the Automobile Association (AA) advises that they should:

* At the first sign of tiredness, stop and take a break.
* Stop in a safe place – don’t stop on a motorway hard shoulder.
* Drink two cups of coffee or an equivalent caffeinated drink (medical health permitting).
* Take a short nap of around 15-20 minutes.

Any driver who feels, for any reason, unable to continue their journey, especially those with passengers on board or yet to be collected, must contact their line/team manager or head teacher or office support, immediately so that alternative arrangements may be made.

It is incumbent on all drivers to ensure that they do not continue whilst under the influence or adverse effect of alcohol, drugs or medication (including some homeopathic treatments).

Drivers must remember that drinking alcohol or taking sleeping tablets or other medication the night before may result in impaired driving ability and even being over the legal drink limit, the following morning. Convictions for any of the above offences may lead not only to prosecution but also disciplinary action.

## Long-term illness

Long term illnesses, or the medical treatment for them, may also impair a driver’s ability to drive safely. Line/team managers and head teachers should ensure that the risk assessment for these drivers is reviewed regularly using advice from the individual’s GP and if necessary, the council’s [Occupational Health Service](https://westsussex.sharepoint.com/sites/TP_health/SitePages/Occupational-Health.aspx).

## Drivers with disabilities

The [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) and other HR policies and procedures will inform line/team managers and Head Teachers of the actions to be taken and legal duties they hold with respect to drivers who are covered by the Equality Act 2010. In summary, a risk assessment must be undertaken to identify unique and additional risks faced by those drivers with disabilities or a significant form of impairment. Where necessary ‘reasonable adjustments’ must be made to enable a driver to continue driving. If the law allows a driver to continue to drive but the risk assessment indicates otherwise the council may choose to make a judgement based only on the risk assessment.

## Stress and other mental health issues

Driving can be stressful, and stress must be managed the same way as any illness and included in the risk assessment of the individual driver. The assessment will need to be holistic because factors other than driving may be contributing to the individuals stress-related condition.

## Eyesight

The UK Government standards of vision for driving can be found here - [www.gov.uk/driving-eyesight-rules](http://www.gov.uk/driving-eyesight-rules).

If the driver cannot achieve this standard, they should inform their line/team manager or head teacher.

The HR Driving Policy recommends that drivers have a full eye test every two years. Unless this coincides with the requirement for a Display Screen Equipment (DSE) eye test, the cost must be borne by the individual.

Any condition that affects both eyes and vision (except long/short sightedness and colour blindness) must be reported to DVLA.

## Pregnancy

The legal requirement for the specific assessment of pregnant workers must include driving duties where they form part of the tasks undertaken. It is very important that pregnant drivers wear their seat belts correctly as wearing one can reduce the risk of injury to the unborn child. [The Royal Society for the Prevention of Accidents (ROSPA)](https://www.rospa.com/rospaweb/docs/advice-services/road-safety/employers/work-fitness.pdf) advice is that pregnant women should not wear ‘lap-only belts’ at any time and the council supports this recommendation. The safest way for pregnant women to wear a seatbelt is:

* The diagonal strap should be between the breasts, over the breastbone, resting on the shoulder, not the neck.
* The lap belt should be placed on the thighs, fitting beneath the abdomen and over the pelvis, not the bump.
* The belt should be worn as tightly as possible.

A Certificate of Exemption may be issued by a GP if there are medical reasons why a woman should not wear a seatbelt but if so, the risk assessment will need to establish whether this is an acceptable risk.

Further guidance specific to pregnant drivers at work may be obtained from the Road Safety Group and the Health & Safety Service.

## Journey Planning

Line/team managers and head teachers should remind staff they expect them to plan journeys properly; that means planning a safe route with adequate time to allow for expected and unexpected traffic congestion and finding a parking space, and so avoid speeding. Line/team managers and head teachers should make sure that drivers know to take adequate breaks on longer journeys, at least one break (a minimum of fifteen minutes) every two hours. Other specific rules govern the use of large goods vehicles. They should undertake periodic reviews of driver’s schedules to ensure the above requirements are being met. Overnight stays for meetings or courses should always be considered to avoid long drives home afterwards when tired.

## Country Familiarisation

Staff or volunteers who are new to the UK may not be familiar with UK roads, signs and traffic laws. There may be instances where, however unlikely, a staff member or volunteer needs to drive or ride on council business overseas. For further guidance see [AA guidance on driving in Britain](https://www.theaa.com/driving-advice/driving-in-great-britain). In either case, an initial assessment or if necessary, a suitable degree of familiarisation training must be provided; arranged by the line/team manager or head teacher through [The Road Safety Education, Training and Publicity Team](https://westsussex.sharepoint.com/sites/TP_Library/SitePages/Driver-awareness-training.aspx) on 01243 642986).

## Vehicle Purchasing/lease/hire

Line/team managers and head teachers should consult the Procurement and Contract Service when wishing to purchase/lease or hire a vehicle. Procurement and Contract Service will ensure the appropriate processes are followed and that vehicles are fit for purpose.

Individual employees using their vehicles driving on county business are responsible for ensuring any vehicle purchased is fit for purpose and roadworthy.

## Incident reporting, investigation, and monitoring

All work-related RTCs and other work-related road incidents must be reported to the Health and Safety Service in the same way as for any other work-related accidents/incidents, where necessary by telephone or if appropriate using the online accident reporting form.

RTC’s must also be reported to the insurer. The following notifications must be made by the line/team manager or head teacher:

* Any vehicle belonging to County Cars make the report to the County Cars Reception.
* Any vehicle being owned by a council business or service unit make the report direct to the council’s insurer via the Legal Services Insurance Officer.
* Any vehicle owned by a school, whether purchased or sponsored, make the report direct to the council’s insurer via the Legal Services Insurance Officer.

The council’s insurers will provide to legal services a quarterly report on blameworthy RTC's involving council drivers. This report will be forwarded to the Road Safety Team who will then contact relevant line managers/ Head Teachers in order for training to be arranged.

Drivers of private vehicles are expected to have sufficient integrity to provide information on their work-related blameworthy RTC's to their line manager/Head Teacher who will inform Road Safety Team as necessary.

## Investigation

The line manager/Head Teacher is required to undertake a basic investigation located on the online accident reporting form see [Accident and Incident Reporting](https://westsussex.sharepoint.com/sites/TP_health/SitePages/accident-and-incident-reporting.aspx). Where directed or where it is considered necessary a further investigation may be undertaken by the line manager/Head Teacher, or HSS and/or Road Safety Teams and/or the Council’s insurer. Incidents should be monitored by the relevant line manager/Head Teacher and will also be monitored by the HSS.

## Emergencies

Line managers/Head Teachers must ensure that all drivers are aware of, and where necessary trained in the procedures for:

* Emergency vehicle evacuation-vehicle fire.
* Vehicle breakdown (may include evacuation).
* Road traffic collision.
* Work related violence.

Drivers must ensure they understand and follow the procedures laid down in the schools/service risk assessments and local safe working instructions.

## Police liaison and co-operation

Line managers/Head Teachers must ensure that staff and volunteers are aware of the council’s requirement for staff at all levels to co-operate with police enquiries or fixed penalty notices resulting from an incident or alleged speeding offences. Line managers/Head Teachers will also supply to the police, details of staff members to whom a council vehicle was allocated or who was driving on a specific time and date.

## Driver checks and qualifications

Drivers may only drive vehicles for which they hold appropriate licences, e.g., L/HGV, PSV/PCV. All drivers must have a full and current and valid driving licence for the vehicle they are using (where applicable) and have received additional instruction and training where necessary.

Staff members who drive their own vehicles on council business, will be required by line managers/Head Teachers to produce their documents in accordance with the requirements of the [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4). These must be original documents.

The following people are specifically excluded from driving at work:

* Anyone who does not hold a full driving licence valid in the UK (e.g., it could be a foreign or international licence not valid in the UK) for the category of vehicle to be driven/ridden;
* Anyone who suffers from a condition that would disqualify them from holding or getting a valid current driving licence.
* Anyone who is disqualified from driving.
* Anyone suspended from driving locally.

Should the council become aware of any pending prosecutions, significant incidents, ill health/injury, or evidence of below standard driving, it may exercise the right to suspend the staff member from driving duties pending initial enquires and assessment. Refer to [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4).

## Driver Training

Driver training will vary according to vehicle being driven, the task and level of risk. Driver Awareness Training is provided by the Road Safety Education, Training and Publicity Team. See the council’s [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) for details of the criteria.

Schools and Corporate staff can also access the e-learning modules both available on the Learning and Development Gateway:

[Driving at Work](https://www.westsussexcpd.co.uk/courses/bookings/c_detail_elearning.asp?cid=658&iscancelled=0&curpage=&keyword=driving&ds=1&unconfirmed=&cs=&subid=&sdate=20/May/2020&searchcode=&asearch=&tutid=&estid=&sday=&smonth=&syear=&targetid=&cal=&calday=&calmonth=&calyear=&caldate=&submonth=&subyear=&list=&palist=&frompage=&a=&b=&c=&d=&s_leaid=&keyarea=&etid=&mtid=&isModule=99&pid=#sthash.E4jkbCQb.dpbs)

[Driving Safety Interactive](https://www.westsussexcpd.co.uk/courses/bookings/c_detail_elearning.asp?cid=681&iscancelled=0&curpage=&keyword=driving&ds=1&unconfirmed=&cs=&subid=&sdate=20/May/2020&searchcode=&asearch=&tutid=&estid=&sday=&smonth=&syear=&targetid=&cal=&calday=&calmonth=&calyear=&caldate=&submonth=&subyear=&list=&palist=&frompage=&a=&b=&c=&d=&s_leaid=&keyarea=&etid=&mtid=&isModule=99&pid=#sthash.zFkZ9vbf.dpbs)

## Vehicle Maintenance and Insurance

The responsibility for maintenance and insurance of the vehicles used on council business will vary depending on vehicle ownership. The owner (the council’s services, County Cars, school, or the individual member of staff) must ensure that the maintenance of the vehicle is up to date and that valid insurance is held.

It is the driver’s responsibility to reasonably ensure that the vehicle, irrespective of the owner, appears to be in a good and safe condition before it is taken out on the public highway. See also Section 11 above - ‘Drivers duties and responsibilities’.

## Vehicles owned by staff/volunteers

Line Managers/Head Teachers are to:

* Ensure that the content of the [Driving Policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-4) and this accompanying guidance, plus any local applicable guidance is brought to the attention of the above category of driver;
* Check driver documentation on the first day of employment then randomly thereafter (licence, mot, and business use insurance with breakdown cover) and record the check;
* Observe other applicable general responsibilities outlined in this document.

## Communication and similar vehicle technology

### Using hand-held devices:

It’s illegal to hold and use a phone, sat nav, tablet, or any device that can send or receive data, while driving a vehicle or riding a motor/pedal cycle. This means you must not use a device in your hand for any reason, whether online or offline. For example, you must not text, make calls, take photos or videos, or browse the web. The law still applies to you if you are:

* Stopped at traffic lights.
* Queuing in traffic.
* Supervising a learner driver.
* Driving a car that turns off the engine when you stop moving.
* Holding and using a device that’s offline or in-flight mode.

There are exceptions; you can use a device held in your hand if:

* You need to call 999 or 112 in an emergency and it’s unsafe or impractical to stop.
* You are safely parked.
* You are making a contactless payment in a vehicle that is not moving, for example at a drive-through restaurant.
* You are using the device to park your vehicle remotely.

### Using devices hands-free:

You can use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free access means using, for example:

* A Bluetooth headset.
* Voice command.
* A dashboard holder or mat.
* A windscreen mount.
* A built-in sat nav.

The device must not block your view of the road and traffic ahead.

While the HSS supports this, drivers should avoid taking calls on a hands-free device if possible but, if they must, they should say they are driving and end the conversation quickly; otherwise, they may put themselves and other road users at risk due to the increased risk of distraction.

If it is necessary that the driver be contacted while driving, a safer system is to put the phone on “call divert” to voice mail. When the phone alerts the driver to a received message, he/she can find a safe place to park, take the message and make any calls.

Mobile phones should not be used at all in places where flammable vapours may be present, such as petrol stations.

### Satellite navigation systems:

Satellite navigation systems can help reduce driving risks, particularly where a driver often travels on new routes with which he/she is unfamiliar. Drivers can use the audio prompts and still give full attention to road conditions rather than looking for street names. However, the benefits of this will be lost if the driver programmes the system while driving or gives undue attention to the visual display. Use of the system must not be allowed to distract the driver’s attention.

Drivers must still pay attention to the road and obey traffic signs irrespective of directions given by the equipment. For any devices fitted it must be ensured that:

* No part of the equipment restricts the driver’s view of the road. It must not create blind spots.
* The equipment is not positioned in such a way that it interferes with the sight or use of any of the vehicle’s controls.
* The equipment is easily reachable by the driver and is close to the driver’s field of vision.
* The equipment does not interfere with the operation of any safety system and is not within the deployment zone of any airbag as this could increase the risk of injury in a crash.

## Driver distraction

In-car entertainment can also cause major distraction to drivers, either by changing radio stations or other music sources and those driving on council business must ensure that these actions are carried out only when safe to do so. Wherever recording of information on route by any means, written or electronic is required, as in highways inspections, it must be done by a passenger. Drivers must not read maps, use handheld recording devices (see 29 above), drink, take meals at the wheel or make notes etc, whilst driving.

## Smoking

Staff and volunteers must adhere to the [council’s smoking policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx" \l "policies-and-guidance-13). Smoking is prohibited in council-owned vehicles and any others where non-smoking passengers are at work, the lighting and smoking of cigarettes, cigars or pipes in private/lease vehicles must not result in distraction.

It is against current laws to smoke tobacco in a vehicle with a person under the age of 18.

Similar restrictions apply to the use of electronic/vapour cigarettes (see the [council’s smoking policy](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Conduct-discipline-grievance-and-whistleblowing-policies.aspx#policies-and-guidance-13) for further detail.

## Further information

Information on driver training can be obtained from the council’s [The Road Safety Education, Training and Publicity Team](https://westsussex.sharepoint.com/sites/TP_Library/SitePages/Driver-awareness-training.aspx) and on the Staff Travel Plan from Travelwise on the intranet.

The Health & Safety Executive (HSE) has published guidance on [Driving for Work](https://www.hse.gov.uk/workplacetransport/drivingforwork.htm).

[RoSPA Guidance](https://www.rospa.com/road-safety) is available on other driving related subjects. A free booklet can be downloaded from RoSPA called [Driving for work - Safer journey planner](https://www.rospa.com/rospaweb/docs/advice-services/road-safety/employers/work-safe-journey.pdf).

The Department for Transport web pages on [Think!](https://www.think.gov.uk/), road safety including their recommendations regarding mobile phones and cycle safety.

**Note:** For more detail, refer to: -

Corporate estate sees The Point – Health, Safety & Wellbeing – A-Z topics – Driving at work.

Schools – go to [West Sussex Services for Schools](http://schools.westsussex.gov.uk/) (WSSfS) – health and safety – resources – health and safety - a-z – driving at work and transport pages.

## Appendix A – Pedal cycles used for work

This appendix applies to staff who use a pedal cycle for work purposes; this can include use of their own pedal cycle or use of a council-owned pool cycle where available. However, this appendix does not apply to commuting to/from work on a pedal cycle.

### Insurance:

Staff who use their own pedal cycle for council business are responsible for insuring the cycle themselves against loss or damage. This may be available in their household insurance policy (if they have one) or can be obtained from specialist insurers.

Although the council provides public liability insurance for any claims brought against a staff member for third party injury or damage caused while the staff member is cycling for council work, staff are advised to have their own personal liability and legal cover in case any claim is brought against them personally for third party injury or damage. Again, this may be available in their household insurance policy (if they have one), from specialist insurers or through membership of a national cycling organisation (e.g. [British Cycling](https://www.britishcycling.org.uk/legalandinsurance) or [Cycling UK](https://www.cyclinguk.org/insurance)). The council pays a [cycle mileage rate](https://westsussex.sharepoint.com/sites/TP_HRZone/SitePages/Mileage-claims-and-travel-expenses.aspx#supporting-document) for business mileage which helps towards the cost of these insurances.

For staff who use pool cycles owned by the council, the pool cycles are insured under a council policy. The council also provides public liability cover in case of any third-party injury or damage.

Staff are reminded that they must not use council pool cycles to commute to/from work.

### Pool cycles:

Pool cycles, owned by the council and made available for staff to use for work purposes, are considered ‘work equipment’ and come under the Provision of Use of Work Equipment Regulations. Therefore, the use of pool cycles requires:

* A risk assessment for the ownership and use of pool cycles.
* Provision of training/instruction to staff who will use the pool cycles.
* Provision of suitable safety equipment, e.g., helmet, high visibility clothing, lights etc.
* Regular inspection and maintenance of the pool cycles.

The responsibility for the above rests with the person who the council has appointed / nominated to be responsible for the pool cycles. This may vary from building to building.

### Risk assessment:

Risk assessment for the use, by staff, of a pedal cycle for council business, must be included and regularly reviewed, as part of the driver risk assessment (see main body of these Arrangements). The risk assessment should take account of:

* What might cause harm:
  + The staff member (if unfit to ride through illness).
  + The staff member (if not competent).
  + The cycle (if unsuitable or poorly maintained).
  + Any items carried on or attached to the cycle.
  + The weather (allowing for variations throughout the year).
  + The journeys undertaken.
* Who might be harmed:
  + The staff member.
  + Pedestrians.
  + Other road users.
* The risks with the current control measures or are more measures needed.

In addition, those council staff who are deemed responsible for council pool cycles must conduct, and regularly review, a risk assessment for the ownership of the pool cycles. The risk assessment should take account of:

* What might cause harm:
  + The staff member (if not competent).
  + The cycle (if poorly maintained).
  + Any items carried on or attached to the cycle.
  + Lack of provision of suitable safety equipment.
* Who might be harmed:
  + The staff member.
  + Pedestrians.
  + Other road users.
* The risks with the current control measures or are more measures needed.

### Training:

Staff who use their own cycle or a pool cycle should be a competent and safe cyclist. This can be evidenced by participation in [Bikeability](https://www.bikeability.org.uk/) training (formerly known as Cycling Proficiency). Also, the council's cycle training team is able to offer free training to pool cycle users; email [cycle.training@westsussex.gov.uk](mailto:cycle.training@westsussex.gov.uk) for details or call 0330 222 6709. Alternatively, self-certification is acceptable if it can be proven, e.g., the staff member is a member of a local cycling club and regularly rides a cycle.

### Cycling equipment:

Pedal cycles should be fitted with a bell and front and rear lights and users should carry a basic repair kit, e.g., for puncture repairs, and a lock for securing the cycle when unattended.

Staff should use safety equipment including a helmet, lights and high visibility clothing. In the case of council pool cycles, staff should be given instructions on the use of safety equipment. Current standards for safety equipment are: -

* Helmet - BS EN 1078:2012.
* Lights - BS 6102-3:1986 (lights) and BS 6102-2:1982 (reflectors).
* High visibility clothing - BS EN ISO 20471:2013+A1:2016 Class 2/3.

### Inspection and maintenance:

All pedal cycles (user-owned and pool cycles) should be regularly inspected and maintained. Staff who use their own cycle are responsible for this; for pool cycles, those council staff who are deemed responsible for council pool cycles must ensure pool cycles are regularly inspected and maintained and must keep records of all maintenance and safety checks that are made.

In addition, staff are encouraged to check their cycles before each use and report /rectify any defects. Again, for pool cycles, records should be kept of these reports and the actions that have been taken to resolve them.

The pre-use checks should cover the following:

* Tyres are inflated and in good condition.
* Brakes are working correctly.
* Gears are in working order.
* Saddle and handlebars are adjusted correctly for the rider.
* There is no obvious damage to the frame or wheels.
* The tool kit is complete.
* The lock works.
* The lights work.

### Cycle route planning:

The council’s [Travelwise campaign](https://westsussex.sharepoint.com/sites/TP_Library/SitePages/Travelwise.aspx) provides useful guidance for staff who use a cycle for work. This includes hosting a [Cycle Journey Planner](http://cyclejourneyplanner.westsussex.gov.uk/) which staff can use to plan safe cycling routes around the county.