

DRIVING AT WORK POLICY

Document Control			
Name	Driving At Work Policy		Ref No'
Group		Ref No'	
Chapter		Ref No'	
Status	Final	Document Type	Policy
Approved by	Douglas West		Issue Date 01/11/16
Authorised by	Douglas West		Review Period Two yearly
Amendment	Date	Clauses Affected	Authorisation
Review	12/03/20		Douglas West

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1. INTRODUCTION

- 1.1 West Lothian Council is committed to protecting, so far as is reasonably practicable, the health and safety of all its employees and others who could be affected by the hazards associated with work related driving.
- 1.2 The council is required to carry out risk assessments and put in place 'reasonably practicable' controls to ensure work related journeys are safe, employees are fit and competent, and vehicles are fit to be used and in good condition.
- 1.3 This Driving at Work Policy has been created to support Depute Chief Executives, Heads of Service and Managers in the delivery of a high standard of safety in relation to driving at work.
- 1.4 The aims of the policy include actions to:
 - Comply with the council's Health and Safety Management System (HSMS)
 - Comply with road and traffic laws and regulations
 - Continually improve our fleet and driver risk performance.

Establish a systematic approach to fleet and driver safety through:

- Assigning clear responsibilities for the fleet and driver risk management throughout the council
 - Driver and Vehicle management
 - Journey management
 - Training education and awareness
 - Planned inspections and audits, and
 - Thorough investigation and reporting of vehicle accidents and near misses in order to learn lessons.
- 1.5 The Policy is supported by:
 - The council's Health and Safety Management System (HSMS)
 - The Drivers Handbook
 - The Driving at Work Procedure Note
 - The Green Transport Policy and Procedure Note
 - Specific local guidance on work-related driving
 - The council's Code of Conduct for employees and Disciplinary Code
 - The council's Smoke Free Policy
 - 1.6 This Policy applies to all employees who drive at work on council business whether this is a key responsibility of their job or a means of travelling between council locations for work purposes.

2. DEFINITION OF DRIVING AT WORK

- 2.1 Driving at Work is;

'Any driving operation undertaken by employees using personal, council or hired vehicles, as well as any volunteers, agency workers or other authorised parties driving council fleet vehicles, in connection with council business'.

3. LEGISLATION

- 3.1 This policy outlines the provisions the council has made to discharge its duties regarding driving at work in relation to the following statutory requirements:-
- a) The Health and Safety at Work etc. Act 1974 – The duty to ensure so far as is reasonably practicable, the health and safety of all employees and others at work.
 - b) The Management of Health and Safety at Work Regulations 1999 – The duty to manage health and safety effectively and to undertake suitable and sufficient assessment of risk to employees and others affected by its work activities.
 - c) Additional legislation includes the Road Transport (Working Hours) Regulations, the Road Traffic Acts and the Road Vehicle (Construction and Use) Regulations. This legislation is enforced by the Police and the Vehicle and Operator Services Agency (VOSA).
 - d) Regulation 561/2006/EC of the European Union (European Drivers Hours) specifies the driving and rest times of professional drivers. These time periods can be checked by employers, the police and other authorities with the help of tachograph. The daily driving time shall not exceed 9 hours. Twice a week the daily driving time may be extended to 10 hours. The Regulation also specifies non-stop driving time, weekly and fortnightly driving time and daily and weekly rest periods. Further details are included in Appendix 5 of the Driving at Work Procedure Note and can also be obtained from Fleet Services.
 - e) The Transport Act 1968 specifies the permitted time and period of duty for those who are employed to drive or those who drive as part of their employment for the UK.
 - f) The Highway Code is not law but it contains many rules which are legal requirements, which if disobeyed, constitute a criminal offence. A failure to observe any of the provisions of the Highway Code may be used as evidence in legal proceedings.

4. SCOPE

- 4.1 This policy applies to the following categories of vehicle used in connection with the duties and activities of West Lothian Council:
- Council fleet vehicles and hired vehicles.
 - Vehicles, including motorcycles that are privately owned by employees known as the Grey Fleet.
- 4.2 Employees driving from home to their normal place of work in personal vehicles will be deemed to be commuting, which is not covered by this policy.

5. GENERAL STATEMENT OF SAFE DRIVING AT WORK POLICY

- 5.1 In recognition of the legal and moral obligations for ensuring driver safety, the council actively seeks to take all reasonably practicable measures to ensure safe systems of work are provided to those undertaking driving activities as part of their employment.
- 5.2 As an extension of this obligation the council aims to provide a systematic and planned approach to road safety through a process of continuous improvement with the overall objective of achieving the highest standards of occupational road safety.
- 5.3 In discharging this responsibility the council will ensure that:

- Council vehicles used in the course of council activities are properly maintained and fit-for-purpose. All council vehicles are maintained in accordance with the DVSA publication “Guide to Maintaining Roadworthiness”. Employees are to submit on request their MOT certificate (VT20), for vehicles over 3 years old, for inspection so that the council can as far as reasonably possible ensure Grey Fleet vehicles (private vehicles) are properly maintained.
- Arrangements are put in place to ensure the reporting and recording of all accidents and incidents arising from work related driving.
- Arrangements are in place to identify and implement investigations following road traffic accidents.

6. RESPONSIBILITIES

6.1 Key responsibilities are detailed below to ensure that this Policy is implemented effectively.

Chief Executive

The Chief Executive has the responsibility for ensuring that:

- The council’s Driving at Work Policy is implemented with the responsibility for the implementation within each Service delegated to the appropriate Depute Chief Executive.
- Resources are made available to ensure the Driving at Work Policy is implemented effectively.
- A regular review of road safety performance including accident statistics is completed and the results used to highlight specific areas which require improvement.

Depute Chief Executives and Heads of Service

Depute Chief Executives and Heads of Service are responsible for ensuring the standards contained in the Driving at Work Policy and supporting guidance are implemented effectively within their service/directorate. They are responsible for ensuring:

- Managers are fully aware of their roles and responsibilities in managing safe driving at work as set out below.
- The policy and associated guidance is brought to the attention of all employees within the Service who are required to drive as part of their work. To validate this all relevant employees must sign the Driving Authorisation and Declaration form.
- Resources are made available to enable the effective implementation of the policy and the health and safety management system.
- All managers are competent in the management of health and safety and in identifying and managing risks to employees undertaking work related driving activities.

Fleet and Community Transport Manager

The Fleet and Community Transport Manager is responsible for ensuring::

- The council is compliant with the terms and conditions of the council’s operator licence.
- An annual return is made to HR Services (Payroll) in relation to the number of council vehicles that are taken home and are deemed to be a taxable benefit to employees.
- All vehicles are maintained to VOSA standards and the council operates within the terms of its operating licence.

Managers/Supervisors

All managers are responsible for ensuring the health and safety of their employees and must ensure that:

- The health and safety arrangements comply with the Driving at Work Policy and the council's Occupational Health and Safety Policy.
- Complete the annual licence check and driving authorisation process for every employee.
- Work related driving risks are identified, assessed and recorded and that suitable controls to eliminate or reduce risks are implemented.
- Employees are provided with sufficient information, instruction, training and supervision on the procedures established to minimise the risks associated with work related driving activities.
- All accidents and incidents associated with work related driving activities, including near misses are recorded, monitored and investigated as far as possible and that appropriate support is provided to any employee who has been involved in and/or injured in a work related driving accident or incident.
- They sign off any vehicle accident forms completed by employees and copy to Risk and Insurance and Fleet Management within three days of the incident date.
- All grey fleet accidents/incidents should be reported on the relevant Health and Safety Reporting system.
- Each employee has completed a full, clear and accurate record of each journey undertaken on council business within their monthly personal mileage claim.
- Employees are referred to the council's Occupational Health provider for advice on fitness for work when a driver declares a relevant health problem.
- Employees have been instructed to report medical conditions which affect their ability to drive to the Driver and Vehicle Licensing Agency (DVLA).
- Ensure all council vehicles are presented for any servicing or maintenance on the agreed date.

Employees

All employees who undertake work related driving activities are responsible for ensuring that:

- They follow the procedures and arrangements established by management to ensure their health and safety, and that of others, while undertaking work related driving activities.
- They participate in any instruction or training required to ensure that they are aware of safe driving practices.
- Any unsafe situations, areas of concern or health issues affecting their ability to undertake driving activities are brought to the attention of their manager.
- Any situation where they have a second job which involves driving for a period of time before they are due to drive on council business, or working in another job which may affect their ability to drive should be disclosed to their manager in accordance with the Code of Conduct for employees.
- They complete a vehicle check before and after use of a vehicle or when another driver drives the vehicle recording the results in the vehicle logbook. If there are no defects "NIL DEFECTS" should be recorded in the logbook as a record that the check has been completed. In the event of any defects being found that haven't been previously reported an assumption will be made that the last driver was responsible for the damage.
- They complete a full, clear and accurate record of each journey undertaken on council business within their monthly personal mileage claim and complete this timeously.
- They give due consideration to their own safety and that of others who may be affected when they undertake work related driving activities.
- They familiarise themselves and comply with the requirements of the Highway Code and associated legislation.

- They report any accident or incidents that occur while undertaking work related driving activities to their manager within 24 hours – all fleet vehicles accidents/incidents should be reported using the WLC report form.
- They participate in any investigation following a work related driving accident or incident in which they have been involved and contribute where appropriate to the improvement of work related driving practices.
- All road traffic and parking offences involving a council vehicle are immediately reported to their line manager. Where the Police or the Department of Transport have been in attendance, the incident must be reported to Fleet Services. Any fine or licence endorsements arising from such incidents are the responsibility of the driver.
- Legal proceedings or any court action resulting in the withdrawal of or application of points to a driving licence are immediately reported to their line manager and Fleet Services.
- They submit on request full details of their driving licence, and where applicable their insurance and MOT certificate for inspection and bring it to the attention of their manager if disqualified from driving, or if any circumstance arises which may prevent them from driving.
- Group 2 licence holders undergo a D4 medical at the age of 45 and then every five years thereafter. This includes drivers who acquired C1 or D1 entitlement through grandfather rights (pre 1 January 1997). It is the responsibility of the employee to have the medical undertaken by their GP.
- They have the appropriate business cover on their insurance to drive personal vehicles at work and a current MOT certificate where appropriate.
- Their personal vehicle is in a legal, safe and roadworthy condition and is suitable for purpose.
- They complete the Driving Authorisation and Declaration form when requested annually, on initial receipt of the Driving at Work Policy and Guidance, and re-submit the form if there are any subsequent changes to their details.
- They keep their individual drivers telematics fob safe at all time and use it time they drive a council vehicle.
- All vehicle loads are adequately secured and that the overall load being carried is within the acceptable load allowed for that vehicle including any laden trailer towed by the vehicle. An overloaded vehicle may also be issued with a prohibition notice by the Police and/or VOSA and the individual driver may also be charged.
- They are in possession of a full and valid driving licence which covers the class of vehicle being driven on council business.
- They disclose if they have held a full drivers licence for less than one year. A full driving assessment will be required by a council driving assessor before authorisation to drive a council vehicle is given. This includes pool vehicle drivers.
- No unauthorised driver is permitted to operate or drive a council vehicle in their charge.
- An Own Vehicle Use Authorisation Form is completed and signed by their Head of Service before they use their own vehicle for business use.
- Any vocational entitlement Large Goods Vehicle and Passenger Carrying Vehicle licence remains valid and any statutory CPC certificate is current, notifying their line manager three months prior to expiry.
- Council vehicles are used in the course of council business only and are not under any circumstances used for personal use.

6.2 Failure to comply with the terms of this policy and the associated guidance notes may potentially result in disciplinary action under the terms of the council's disciplinary procedure.

7. MONITORING, AUDIT AND REVIEW

7.1 This policy will be reviewed annually by the Motor Vehicle Working Group to ensure its compatibility with current legislation and recognised best practice.

- 7.2 The policy and associated guidance will be updated following any changes in legislation or best practice relating to safe driving to ensure it remains relevant and effective, meets all current legal requirements and reflects best practice in relation to Safe Driving at Work.
- 7.3 A regular review of road safety performance and insurance claims of all drivers will be undertaken by Services. The results from this review will be used to review elements of road safety within the council and identify where further targeted work should be carried out.