

Safe Driving at Work Procedure

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| Target audience: | Governing Body and all staff working for, or on behalf of, the CCG |

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1. Introduction

HSE Guidelines 'Driving at Work', state that *“health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system”*.

Therefore NHS East Lancashire Clinical Commissioning Group (CCG) has a legal duty under the Health and Safety at Work etc. Act 1974 to manage the risks (as far as reasonably practicable) to the health, safety and welfare of those who need to drive as part of their job or while they are engaged in work activities.

The Management of Health and Safety at Work Regulations 1999 also apply and require that a risk assessment is undertaken of any significant risks and that effective management controls are put in place and implemented. When considering driving safety there are a number of road traffic laws to also take into account, these include:-

- The Road Traffic Act 1988 as amended 1991
- Road Safety Act 2006
- The Road Traffic Regulation Act 1984;

This procedure sets out the responsibilities and arrangements in place in the CCG to manage work-related driving risks.

2. Definitions

In this procedure the following words will be accepted as having the following meanings:

- **Driving for Work** – refers to any work carried out on CCG business that involves the employee in time spent driving a vehicle and covers all journeys other than to and from their normal place of work.
- **Vehicle** - any motorised vehicle whose design is subject to regulation by the Road Traffic Act;
- **Driver** - any person in charge of or in control of a vehicle;
- **Hire vehicle** - a vehicle hired to the CCG or to an individual under a hire agreement for CCG business;
- **Private vehicle/Grey Fleet** - a vehicle not owned by or leased to the CCG but which is the property of an individual or a third party which is in use by a member of staff whilst travelling for company business, for example, to attend meetings at other sites authorised by the CCG.
- **Public Road** – Public road (as defined by the Highway Code) means a highway or any other road to which the public has access; this includes many roadways and car parks on private land.
- **Roadworthy** – Roadworthy means that the vehicle is fully fit for task and that it complies with all legislation relating to driving of vehicles on the public road.

3. Roles and Responsibilities

The responsibility for securing the health and safety of employees rests with the CCG Governing Body who are responsible for ensuring compliance with legal standards and for monitoring progress on implementation of this procedure. Employees have an obligation to comply with this procedure put in place for their health and safety.

3.1. All Line Managers

- Have a duty of care towards employees under their control and to ensure that this procedure is implemented and complied with on a day-to-day basis. They are responsible for bringing this procedure to the attention of all employees within their department who are likely to drive for business purposes and for ensuring that employees comply with its obligations;
- Shall (where appropriate) undertake periodic checks of vehicle documents to monitor compliance of staff who use their own vehicle for work;
- Shall be involved with the monitoring, reporting and investigation of any work related accident involving an employee whilst driving at work;
- Ensure an assessment of all risks, including risks not associated with the driving, e.g. manual handling, lone working etc. are undertaken;

3.2. Employees who drive for work must:

- Ensure that their vehicle is fit for purpose i.e. that the vehicle does not have any faults, which make it unsafe and is in a roadworthy condition
- Drive at all times in a competent way, observing all traffic laws including the speed limits and rules on alcohol and drugs;
- Notify the CCG of any accident or collision they are involved in whilst on CCG business, and to assist where required with any subsequent investigation as to the cause of such occurrence: they must also complete an accident/incident report;
- Inform their line manager of any prosecutions, licence restrictions or withdrawals or any health problems which may affect their ability to drive;
- Make sure that they take a break at regular intervals when their journey is expected to take more than 4 hours;
- Ensure they have a valid driving licence, insurance policy, MOT certificate (if applicable) and vehicle tax;
- Present their driving licence, Insurance documentation and MOT certificate (where applicable), for inspection on request;
- Report any medical condition in accordance with the medical rules for driving as set out by the DVLA;

4. Arrangements

4.1. General

Before embarking on any journey, drivers should ensure that their vehicle is in a roadworthy condition. Drivers should ensure that sufficient breaks are built-in to prevent fatigue and allow for any bad weather or traffic congestion. Radio traffic bulletins on vehicle radios can often provide early warning of worsening traffic or weather conditions to allow alternative routes to be selected.

All drivers should familiarise themselves with any updates that may be periodically issued on road safety matters. These will include information on good practice as well as any forthcoming legal changes which affect those who drive for work.

4.2. Vehicles

All vehicles, whether they are leased or privately owned, must be suitable for the task, be maintained, have a valid road fund licence and be appropriately insured. In addition if the vehicle is more than three years old they must ensure that any vehicle used for work has a valid M.O.T. Certificate. Employees who drive their own vehicles on behalf of the CCG are expected to ensure that their vehicles are serviced regularly;

4.3. Licenses and document disclosure

All drivers must ensure they have a valid license. All employees who are driving for work purposes are required to produce their licence for inspection when taking up their post or when taking a lease car scheme. Staff claiming mileage expenses will also be required to produce a valid driving license on a regular basis. It is the responsibility of individual drivers to inform their line managers immediately if for any reason they have their license removed.

4.4. Insurance

Employees who drive for business purposes, which means anyone who claims for motoring travel expenses, must be covered by an insurance policy which permits the driver to drive a vehicle for '**business use**' and not 'social, domestic and travel to and from their usual place of work' only. Any person not holding this level of insurance cover is not insured to drive on company business and hence should not be allowed to drive on company business. It is the responsibility of line managers to ensure the correct insurance is in place before the journey is made.

4.5. Seat belts

All drivers and passengers must wear the seat belts provided in vehicles. Failure to do so is an offence and may seriously affect an individual's claim for damages in the event of injury.

4.6. Use of Mobile phones in Vehicles

It is illegal for drivers to use a hand held mobile phone when driving. Those found guilty can face a fine of up to £1,000 and 6 penalty points, if the driver has had their license for less than 2 years they will lose that license.

It should be noted that under the new legislation the definition of driving INCLUDES using a hand-held mobile phone when the vehicle is stationary with the engine running.

The CCG require all drivers to follow the procedure listed below.

- **The CCG prohibits the driver from using any mobile communication systems whilst driving unless the mobile system can be activated totally hands free. To be totally hands free there must be no need to take either of your hands off the steering wheel (Such systems can be activated by voice or automatically cut in);**
- Although hands free can be used when driving it is important to consider if the road conditions are such that it is safe to do so. If the weather conditions are poor or the traffic is heavy then cut the conversation short and find a safe place to stop, then phone the caller back;
- If you are driving alone, set the voice message facility to take the call for you and if the phone rings whilst you are driving, let the voice message facility take the call for you, then find a safe place to stop to respond to the call.
- If you need to make a call, find a safe place to stop.

- ***Remember to switch the engine off when using a hand-held mobile phone, even when parked***

The use of smart phones, tablets for reading and responding to work related e-mails is strictly prohibited whilst the car engine is switched on.

4.7. Drivers Health

The safety of any driver is affected by eyesight defects and all drivers have a legal duty to satisfy the eyesight requirements set by the DVLA.

No employee should drive at work under any circumstances which may affect their ability to drive safely. It is the duty of any employee who is required to drive on CCG business to inform their Line Manager if they are suffering from any illness or health condition which impairs their ability to drive or if they are required to take medicine that might affect their judgement.

No employee should drive at work when they are under the influence of alcohol or drugs.

Journeys should not be undertaken if a driver feels unwell, where the condition might affect their driving ability and judgement. Appropriate medical advice should always be sought before returning to drive after an operation or severe illness. Drivers should also remember that some prescription drugs or pharmacy purchased remedies can cause drowsiness and affect their ability to drive safely. In the event that any type of medication is necessary, and there is a possibility that it may cause effects such as drowsiness, employees should check with their GP or Pharmacist before driving, even for short distances.

4.8. Work Day Duration when Travelling Long Distances

Working long hours which includes driving long distances can increase the possibility of accidents. This is especially so in poor driving conditions such as those caused by adverse weather conditions.

When attending meetings, training sessions etc. which involve driving, overnight accommodation should be made available through discussions with their line manager if the total of travel time and working day is deemed excessive.

When driving long distances all drivers should take a rest of at least 15 minutes after driving continuously for two hours.

4.9. Incident/Accident Reporting

All accidents, incidents and near misses involving any person driving on CCG business must be reported via the CCG's Incident Reporting System and to the driver's line manager.

5. Risk assessment on driving while on CCG business

An assessment of the risks for those driving on CCG business should be carried out. The importance of the journey versus the risks of car travel should be assessed and reasonably practicable control measures put in place. Risk factors such as time of year, distance, location, access to roadside assistance should be considered. Where relevant, additional risk factors such as fatigue, ergonomics, manual handling should also be taken into consideration. Control measures such as the maximum hours to be driven per day and the need for adequate rest breaks should be detailed in the risk assessment.

A Driving at Work Risk Assessment Form can be found at Appendix A.

6. Equality Analysis Assessment

- 6.1. The CCG aims to design and implement procedural documents that meet the diverse needs of our service and workforce, ensuring that no one is placed at a disadvantage over others, in accordance with the Equality Act 2010.
- 6.2. The Equality Analysis Checklist initial screening, which was used to determine the potential impact this policy might have with respect to the individual protected characteristics, is incorporated at Appendix B.
- 6.3. The results from this initial screening indicate that this policy will not require a full Equality Analysis Assessment.

7. References

- The Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- The Highway Code: <https://www.gov.uk/browse/driving/highway-code>;
- HSE INDG 382 - Driving at Work, Managing Work related road safety: <http://www.hse.gov.uk/pubns/indg382.pdf>;
- Five Steps to Risk Assessment Leaflet INDG163 (Rev 3): <http://www.hse.gov.uk/pubns/indg163.pdf>;
- Royal Society for the Prevention of Accidents - Managing Occupational Road Risk: http://www.rospa.com/roadsafety/info/morr_sme.pdf
- Driver & Vehicle Licensing Agency - <https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency>

Appendix A: Driving at Work Risk Assessment Form

| | | | |
|----------------------------|--|-----------------------------------|--|
| Driver Name: | | Assessment Carried out by: | |
| Date of Assessment: | | Review Date: | |

The Driver

| Question | Yes | No | Remarks |
|--|-----|----|---------|
| Has the driver access to the CCG's Safe Driving at Work Procedure? | | | |
| Is a valid driving licence held suitable for the work and vehicle? | | | |
| Is the driver aware of the action to take in the event of a breakdown to ensure their own safety? | | | |
| Is the driver aware of the dangers of driving whilst tired and what action to take? | | | |
| Is the driver aware of the correct driving posture and seat adjustments to reduce fatigue and possible risk to health? | | | |
| Is the driver aware of the restrictions in place for the use of mobile phones in vehicles? | | | |
| Is the driver aware of the need to keep the vehicle locked and secure when unattended? | | | |
| Is the driver aware of the hazards of driving whilst under the influence of drink and drugs? | | | |
| Is the driver aware of the hazards of road rage and how best to avoid confrontation? | | | |
| Is the driver aware of how to drive on snow and ice? | | | |

The Vehicle

| Question | Yes | No | Remarks |
|---|-----|----|---------|
| Is there a system in place to ensure the validity of insurance, MOT certificate; | | | |
| Are the vehicle maintenance arrangements adequate? | | | |
| Is the driver aware of the required routine safety checks: (lights, tyres, wipers/washers)? | | | |
| Is the driver aware of how to correctly adjust safety equipment? (Seatbelts, head restraints etc.) | | | |
| Is the driver aware of additional equipment recommended for driving in severe weather conditions (blanket, hot drink, shovel etc.)? | | | |

The Journey

| Question | Yes | No | Remarks |
|---|-----|----|---------|
| Does the driver plan their route to allow adequate time and to minimise fatigue and risk? | | | |
| Does the driver allow for regular breaks from driving on long journeys? | | | |
| Is the driver aware of sources of traffic information and has the facilities to access these sources? | | | |

| | | |
|--|---------------------------|----------------------------------|
| Activity/Task <i>Complete the relevant details of the activity being assessed</i> | | |
| | | |
| Signification Hazards <i>All hazards associated to the activity should be entered here: task, individual, load and environment</i> | | |
| | | |
| Individual at Risk | | |
| Current Control Measures <i>List current control measures</i> | | |
| | | |
| With these control the risk is: | Unacceptable | Further Controls Required |
| Further Control Measures Required <i>List further action need to adequately control risks</i> | | |
| | | |
| Action required | Date of Completion | By Whom |
| | | |

| | |
|-----------------------|--|
| Assessor Name: | |
| Signature: | |
| Date: | |

Appendix B

Equality Analysis Checklist

| Equality Analysis Checklist | Yes | NO |
|--|---|----|
| <p>Does the 'Activity' being considered for equality analysis affect service users, employees or the wider community and therefore potentially be highly significant in terms of equality?</p> <p><i>(Relevance will depend not only on the number of those affected but also by the significance of the effect on them)</i></p> | | X |
| <p>Is it a major 'Activity' with significant implications for equality?</p> <p><i>E.g. a strategy, commissioning large scale programmes, care pathway re-design, building development etc.</i></p> | | X |
| <p>Has previous engagement highlighted important inequalities for protected groups?</p> | | X |
| <p>Does or could the 'Activity' affect different protected groups differently?</p> | | X |
| <p>Does the 'Activity' relate to a known area of inequalities?</p> <p><i>E.g. access issues for disabled people, services for vulnerable people.</i></p> | | X |
| <p>If you have answered yes to any of the questions above you need to complete an Equality Analysis.</p> <p>Focus attention on those aspects most relevant to equality. Which protected groups is it most relevant to?</p> | | |
| <p>If you answered no to all of the questions above then you don't need to undertake an Equality Analysis.</p> <p><i>*When you decide an 'Activity' is not relevant to equality and therefore does not require an Equality Analysis it is important to document the decision and reason for the decision. This ensures that you have not overlooked potential issues relevant to equality which could leave you vulnerable to legal challenge.</i></p> | | |
| <p>Decision: No requirement for a full Equality Analysis Assessment</p> | <p>Reason: The degree of relevance to individual equality strands will <u>not</u> require a full Equality Analysis Assessment.</p> | |
| <p>Name: Michael Moir (SLCSU Health and Safety Manager)</p> | <p>Date: 21 Jan 14</p> | |