

# Driving at Work Procedure

# Driving at Work Procedure

## Contents

Section Number	Title	Page
1.	Introduction	3
2.	Recruitment	3
3.	Valid Certification	6
4.	Medical Requirements	7
5.	Driving Hours	10
6.	Driver Assessment and Training	11
7.	Learning to Drive other Categories of Vehicle	12
8.	Driving Accidents	13
9.	Driving Infringements	14
10.	Safe Drive Practice	17
11.	Taking Council Vehicles Home	18
Appendix 1	Version History	

## Driving at Work Procedure

Version: 2.2

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### 1. Introduction

Wakefield Council recognises that it has responsibilities under the Health and Safety at Work Act 1974 and as such requires all managers, employees, agency workers, other contractors and volunteers (“employees and others”) to work in a way which is compliant with the law and with the policies and procedures in place within the Council.

The Procedure applies not only to employees and others driving Council fleet (or hire) vehicles but also to employees and others who drive private vehicles on Council business.

An employee’s refusal or failure to act in accordance with the Driving at Work Policy (the Policy) and this supporting Procedure, may result in management action being taken in accordance with the Council’s Disciplinary Policy. Any refusal or failure by an employee to act in accordance with the Policy (and/or this Procedure), and/or any acts/omissions which result (or might result) in serious injury to themselves or others, and/or has a significant adverse impact on the Council’s public image may result in that employee’s dismissal.

Agency workers and contractors may have their contract terminated if they fail to act in accordance with the Policy and/or this Procedure.

Appropriate management action for volunteers will be one of advising the volunteer of any corrective actions required, and in more serious cases informing them that they will not be permitted to drive the Council fleet, hire or their privately owned car on behalf of the Council again.

Further detailed information relating to the application of this Procedure is contained within the [Council’s Drivers Handbook](#), [Minibus/MPV Policy](#), [Mini-bus Safety Assurance Standard](#), [Driving at Work Safety Assurance Standard](#)

### 2. Recruitment

When being reviewed, all job specifications for posts, which have responsibility for transporting people, goods, tools and/or equipment will include the appropriate responsibilities and tasks relevant to the proper application of the Driving at Work Policy and this Procedure. Further guidance can be obtained by referring to the [Job Specifications for Drivers Table](#) provides further guidance to managers. The management responsibilities of the Service Manager, nominated Transport Officer and Supervisor/Line Manager will be particularly noted for inclusion.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

The job specification for all posts which require driving a Council fleet (or hire) vehicle and all posts designated 'essential car user' must state the following criteria:

- The appropriate category of licence e.g. Category B, C1, C, D etc
- That it is desirable that the driver's licence shows no more than 6 penalty points as per the current national driving penalties system, and ideally shows no penalty points.

All letters of invitation to interview for any posts requiring driving on behalf of the Council will require the candidate to bring their driving licence, together with a DVLA access code, to their interview which will allow the recruiting manager to undertake a check to be made on their eligibility to drive. The recruiting manager will need to make a note of the applicant's driving licence number if the check with the DVLA is not made until after the interviews have taken place.

If the licence check reveals that a candidate has more than 6 penalty points a full risk assessment needs to be undertaken into the circumstances behind the licence record. An appointment will not be made where the risk assessment identifies future risk to the Council. Similarly if the candidate discloses that they have previously been disqualified from driving (albeit the disqualification has now lapsed) then this will be explored further, through the completion of a full risk assessment, to understand the circumstances, and to satisfy the appointing manager that it is appropriate for the appointment to be confirmed.

New employees who will be required to drive a privately owned vehicle on behalf of the Council will also be subject to their manager checking that they have 'business use' insurance which reflects the intended use of the vehicle, and where appropriate a valid MOT certificate.

Requests for references will (where appropriate) specifically seek information on the candidate's driving history (e.g. accident record, driver assessments) and any known medical conditions relevant to their driving. No appointment will be confirmed until satisfactory references have been received.

All appointments to posts which require driving of Council fleet (or hire) vehicles within the contractual duties of the post, (irrespective of size or type of vehicle), will be conditional on the completion of a driver assessment undertaken by an assessor with written authorisation from Transport Services to undertake this role. This assessment will include a basic eye-sight test. No appointment will be confirmed until the assessment has been successfully completed.

Driver assessments will also be undertaken for all persons appointed to posts designated as Essential Car Users and persons who will be required to transport

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

service users in their vehicles on at least one occasion per month. These assessments must be completed before the employee is permitted to drive.

Candidates who are given conditional offers for posts where the driving duties are considered to have a high risk factor (all vehicles over 3500kg gross vehicle weight (GVW) and mini-buses) will be required to complete the [Driver's Health Questionnaire](#) and send it to Occupational Health, from where it will be sent on to the candidates GP for verification of the information provided. The Council's standard pre-employment health questionnaire will also need to be completed with regard to the non-driving elements of the job. Following the return of the Driver's Health Questionnaire from the GP, Occupational Health will discuss the its content in a consultation meeting with the candidate. Occupational Health may require further information from the candidate's GP before reaching a conclusion as to whether or not they are fit to undertake the contractual duties of the post.

The Council will reimburse the candidate for any fees charged by their GP up to a maximum of £75.00

All candidates who are given conditional offers to posts which require them to drive any other category of Council fleet (or hire) vehicle within the contractual duties of the post, and posts designated 'essential car user', will be required to complete the Driver's Health Questionnaire, however this will not need to be verified by their doctor. The Council's standard pre-employment health questionnaire will also need to be completed with regard to the non-driving elements of the job. Occupational Health will then discuss the content of the health questionnaires in a consultation meeting with the candidate. Occupational Health may require further information from the candidate's GP before reaching a conclusion as to whether they are fit to undertake the contractual duties of the post. These requirements will also apply to any candidate applying for a post who is expected to transport service users on Council business in a privately owned vehicle on at least one occasion per month.

Occupational Health will apply the DVLA Group 2 medical standard when undertaking the assessment of the Driver's Health Questionnaire and any follow up consultation with the candidate.

All other candidates who are given conditional offers to posts which require them to drive a privately owned vehicle during the course of undertaking their contractual duties will be required to complete the Council's standard pre-employment medical questionnaire which will be reviewed by Occupational Health if medical conditions are declared. Occupational Health may require further information from the

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

candidate's GP before reaching a conclusion as to whether they are fit to undertake the contractual duties of the post.

All confirmed offers of employment and Statements of Main Terms of Employment issued for posts which relate to driving on behalf of the Council will include a specific reference to the key elements of this Policy.

Any employee required to drive on behalf of the Council (including all employees driving privately owned vehicles whilst at work) will be required to sign a declaration on appointment which acknowledges the content of the above mentioned addendum to their contract and provides confirmation that they are legally entitled to drive the type of vehicle required for their work, and that they are not aware of any medical condition which could have an impact on their ability to drive safely.

All new starters who will be required to drive whilst undertaking Council business (including those who will be driving privately owned vehicles), will receive health and safety guidance relative to the type of vehicle they will be driving on behalf of the Council, as part of the Corporate Induction Training Programme. This information will also be provided to employees who commence driving on behalf of the Council having previously not been required to drive.

All volunteers, agency workers and other contractors will be required to provide written medical evidence that they are fit to drive before driving on behalf of the Council. If any such person is expected to drive for the Council for more than 4 weeks managers must arrange for them to complete the pre-employment medical assessment procedure appropriate to the type of vehicle they are driving during the initial 4 weeks working period. Checks will also be made with regard to them having the appropriate licence for the vehicles they will be driving for the Council, and if they will be driving Council fleet vehicles they will be required to have a driving assessment undertaken by an accredited DAT assessor before driving such vehicles.

### **3. Valid Certification**

All employees and others who drive Council fleet (or hire) vehicles and employees who are designated an 'essential car user', will be subject to a six monthly licence check to ensure that they hold a valid current licence for the vehicle(s) they are driving on behalf of the Council. This requirement will also apply to any employee (or other person) who is expected to transport service users on Council business in a privately owned vehicle on at least one occasion per month.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

All other employees, and others, who drive privately owned vehicles on Council business (except designated 'essential car users' will be subject to an annual licence check). Such checks also reinforce the requirement that drivers report any endorsements on their licence. Drivers of the Council's 'pool cars', (who do not drive any other fleet vehicle) will also be subject to an annual check.

Employees and others will provide the Council with access to their licence record on the DVLA database to enable the checks to be undertaken. Employees will access their code via [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence). This code will remain valid for 21 days. Managers will then use the code to access the DVLA via [www.gov.uk/check-driving-information](http://www.gov.uk/check-driving-information).

Any employee, designated a driver on behalf of the Council, who fails to provide the information needed to check their licence within 8 weeks of being requested to do so, will be suspended from undertaking any driving duties, and may be subject to the application of the Council's Disciplinary Policy. Similarly all other persons who drive on behalf of the Council will be suspended from driving if they fail to provide the information required to check their licence within this timescale.

All employees and others required to drive their own private vehicles whilst undertaking Council business will also ensure that their vehicle insurance policy covers them for the type of use required by the Council including where applicable transporting service users, other Council employees and Council equipment. Further clarification on vehicle insurance cover is available from the Council's Insurance Officer.

All employees and others, required to drive their own private vehicles on Council business will also be required to present their vehicle insurance certificate and (where appropriate) current MOT certificate, to their manager, for checking on an annual basis. The insurance check must show that the employee's policy includes business use appropriate to the way the vehicle is being used by the Council.

The Council's Fleet Enforcement Officers will carry out random audits of services to ensure that where a service operates Council fleet vehicles that all records as defined by Transport Services are in place. These audits will also cover the needs of services with respect to licence verification checks, insurance checks and road worthiness checks for any person driving a privately owned vehicle on behalf of the Council.

#### **4. Medical Requirements**

All employees and others required to drive on behalf of the Council must report to their manager any medical condition which adversely affect their ability to drive

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

legally and safely, any vehicle they are required to drive at work, including any medical incident which happens whilst they are driving at or outside of work. Such changes must be reported immediately following their occurrence to enable a decision to be taken with regard to whether the person should be suspended from driving until further medical advice has been obtained.

In such circumstances employees have a legal duty to consult their GP, ensuring that the GP is aware of the type of vehicle(s) they drive on behalf of the Council. The employee must stop driving if their GP advises them to do so, until such time as their GP advises that they are fit to drive. The DVLA must also be notified, who in turn will suspend the employees driving licence until such time as they are declared fit to drive.

In such cases employees will be required to complete the [Notice to Occupational Health – Change in Medical Condition/Health Status](#), providing full details of the medical incident(s) which need to be reviewed. This form must be returned directly to the Occupational Health who will then provide advice on whether it is appropriate for them to continue to drive on behalf of the Council. Occupational Health may need to consult the employee's GP for further advice. In such cases the employee's GP will be provided with a full account of the information which has been provided to Occupational Health to enable the GP to provide the best possible advice as to whether or not it is appropriate for the employee to continue driving.

If the medical condition is considered temporary, management will take every effort to redeploy an employee to appropriate non-driving duties until they are fit to resume their full contractual duties.

If Occupational Health advises that the medical condition is permanent, adjustments to the employee's contractual duties will be considered, failing which the Council's Redeployment Policy will be applied.

Employees may also be referred to Occupational Health by their manager at any time if they have concerns over their health in relation to them driving during the course of their work. The same procedures as those described above will be followed in such cases.

Volunteers, contractors and agency workers who suffer a detrimental change in their medical condition will not be permitted to drive until they have provided written confirmation from their GP that they are fit to resume their driving duties. If a manager has concerns with respect to the health of such persons they will ask them to seek medical advice from their GP and will remove them from driving duties until confirmation is received from the GP that they are fit to resume their driving duties.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

All employees and others required to drive during the course of their duties who either declare themselves as having a disability, or have a medical condition which their manager reasonably believes to be a disability, will be subject to an individual risk assessment to ensure, where reasonably practicable, that any impact their disability has on their ability to drive safely is addressed through a reasonable adjustment. If it is not possible to apply a reasonable adjustment to address the safety issues identified, advice should be sought from HR as to how alternative work can be found for the employee.

Employees, under the age of 45, who are in posts where the driving duties are considered to have a high risk factor, (vehicles over 3500 kg and mini-buses), will be required to complete the Driver's Health Questionnaire every 5 years. To ensure medical confidentiality the employee must send this Questionnaire direct to Occupational Health who will arrange for the information provided to be verified by the employee's GP prior to the employee attending a mandatory medical assessment at Occupational Health when the content of the Questionnaire will be discussed. In making an assessment as to whether the employee is fit to continue driving Occupational Health may need to consult the employee's GP for further clarification of the employee's medical history.

All drivers of 'high risk' vehicles over the age of 45 will be required to have medical undertaken by a GP every 5 years in accordance with legislative requirements<sup>1</sup>.

The Council will meet the cost of obtaining GP verification of the Drivers Health Questionnaire (employees under 45) or the cost of the statutory medical examination (employees 45 and over).

Employees driving other Council fleet (or hire) vehicles and those designated 'essential car users' are required to complete a Driver's Health Questionnaire every 5 years however this will not need to be verified by their doctor. Occupational Health will then discuss the content of the Health Questionnaire in a consultation meeting with the employee. Occupational Health may require further information from the employee's doctor before reaching a conclusion as to whether they are fit to continue driving on behalf of the Council. These requirements will also apply to any candidate applying for a post who is expected to transport service users on Council business in a privately owned vehicle on at least one occasion per month.

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<sup>1</sup> Employees with a pre 1<sup>st</sup> January 1997 driving licence will be entitled to drive C1 category vehicles (up to 7500kg) and D1 category vehicles (mini-buses) without the need for a statutory medical examination. As such drivers of these vehicles with this licence will be required to continue having a 5 yearly medical examination at Occupational Health.

## Driving at Work Procedure

**Version: 2.2**

**Date Issued: 27<sup>th</sup> September 2017**

Occupational Health will apply the DVLA Group 2 medical standard when undertaking medical assessments for employees who drive any Council fleet vehicle irrespective of whether the vehicle falls within the Group 2 category.

However, employees who drive Group 1 category fleet vehicles (cars and other small vehicles) who are found not to meet the Group 2 standard will also be subject to a further assessment against the DVLA Group 1 medical standard. If these employees meet the Group 1 standard their manager will undertake a risk assessment to determine whether it is appropriate for them to continue driving the fleet vehicle(s). This risk assessment will consider the reasons why the employee does not meet the Group 2 standard and the potential impact this will have on their ability to undertake their driving duties safely. The manager may seek additional advice from Occupational Health and Transport Services before concluding the risk assessment.

All drivers of privately owned vehicles will be assessed to the DVLA Group 1 medical standard.

All other employees who drive privately owned vehicles on behalf of the Council will not be required to have scheduled medical assessments however they may be referred to Occupational Health if their manager has reasonable concerns about their fitness and safety when driving.

Employees aged 65 and above will be required to complete the medical checking procedures appropriate to the vehicle(s) they are driving on an annual basis.

Volunteers, agency workers and other contractors engaged by the Council must be able to demonstrate that they have had medical checks in line with the provisions relating to the Council's employees within this Procedure.

If Occupational Health advises that an employee is not fit to drive following a medical consultation, their manager must ensure that the employee does not drive in the course of undertaking their contractual duties until such time as they are re-referred to Occupational Health and declared fit to drive. Occupational Health will also inform Transport Services to enable appropriate steps to be taken to withdraw the employee's permit to drive until such time as they are declared fit to drive.

If an employee fails to complete the medical assessment procedures as set out above their manager will issue them with a reminder of the need to do so. If they do not complete the assessment following this reminder they will be suspended from driving until the assessment is completed. No employee will be allowed to drive on behalf of the Council if they have not undertaken another medical assessment within 8 weeks of the original reassessment due date.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

Agency workers, other contractors and volunteers who suffer a detrimental change in their medical condition may be instructed not to undertake any driving duties until their condition is such that they are confirmed to be fit to drive by their GP.

Employees and others must not drive on behalf of the Council if they are taking prescribed medicines where the packaging contains advice to the effect that it would be inappropriate to drive, or that drowsiness may be a side effect.

### 5. Driving Hours

Employees and others who drive vehicles carrying goods and mini-buses must not exceed the limitations stated within the Driving Hours Regulations (EU or Domestic Regulations) if these Regulations apply to the vehicles they are driving and so avoid the health and safety implications of driver fatigue.

All employees who drive any vehicle on behalf of the Council must not undertake any work (driving or non-driving) for more than 11 hours in any 24 hours and they must not drive for more than 10 hours within any 24 hours. All rest periods are excluded from these maximum periods. Time spent working in other employment or undertaking voluntary work does not count as rest period.

The Driving Hours Regulations do allow limited exceptions to the above requirements in order to meet the needs of an employer in exceptional circumstances. Shorter rest periods (to a minimum of 9 hours in a 24 hours period) are permitted up to 3 times per week however managers should not implement any such working arrangements without seeking advice from Transport Services.

Employees must ensure (on days when they are required to drive) that adequate rest breaks are taken and therefore they must not have any period of work (including driving) that exceeds 6 hours without a 30 minutes break (or two 15 minutes breaks) within that 6 hours period and if work continues beyond 9 hours a further 15 minutes of rest will be required.

Any employee and others required to drive on Council business must report any other employment /voluntary work to their manager/supervisor who will ensure that it is recorded on their personal record and driving record. Where the other employment involves driving under EU Driving Rules, any driving data records must be presented to the Council, (if the Council is the main employer), in order to ensure legal compliance and safeguard the welfare of employees and others.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

In such situations, all employees and others must ensure that they observe all aspects of the Drivers Hours Regulations and the Working Time Regulations. Further advice on these Regulations is available from Transport Services.

Locally agreed shift and flexi time arrangements used by the Council must not breach the Drivers Hours Regulations.

Special attention must be given to the driving hours of agency workers. Where appropriate, driving records data for the current week will be checked daily to ensure that daily and weekly rests are being taken.

Managers will need to liaise with the agency once the agency worker is no longer with the Council to ensure that the original driving records data is returned within the 21 days required by Regulations.

### **6. Driver Assessment and Training**

With the exception of mini-bus drivers, all employees and others required to drive Council fleet (or hire) vehicles, employees designated 'essential car user', and those who transport service users in privately owned vehicles on at least one occasion per month, must, have their driving standards assessed every 5 years, by an assessor who has written authority to act in this capacity from Transport Services. These assessments should be undertaken on the largest type/class of vehicle the employee is required to drive on behalf of the Council. Following successful completion of the assessment the employee will be issued with a permit to drive the particular type/class of vehicle for which they have been assessed.

All employees and others who drive a mini-bus will undertake a driver assessment annually and if successful a permit to drive will be issued; these must be carried at all times whilst driving. If unsuccessful, further training will be required and the assessment retaken. Where an employee or other can provide evidence which identifies 25 hours driving of a mini-bus or more per annum then this assessment process can be deferred each year for a maximum of three further years. On the 4th year an assessment will be required.

Managers will also refer any of their employees and others (who are subject to scheduled driver assessments) for an additional driver assessment if they;

- have an accident involving injury to themselves or others
- record more than two minor accidents within 4 years
- record more than 6 penalty points on their driving licence

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

Managers may arrange with Transport Services, for employees who are not subject to a scheduled driver assessment, to undertake ad hoc assessments however priority will be given to those employees who are required to have driver assessments under the Policy with respect to their availability.

Any person identified as requiring additional training at their assessment will be immediately suspended from driving duties or not allowed to take up driving duties until the appropriate driver training has been undertaken. In such circumstances the employee or other will not be permitted to undertake driving duties until they have successfully completed a reassessment.

Each assessment will include a number plate recognition eye sight test. If this test is failed the provisions in Section 4 above will be applied.

All employees who undertake driving duties on behalf of the Council must successfully complete approved driver competency training at the required frequency as set out below;

- Drivers of vehicles over 3500kg (GVW) – 35 hours training for the Certificate of Professional Competence (CPC) every 5 years
- Mini-bus drivers – 1 days training under the Mini-bus Driver Awareness Scheme (MIDAS) every 4 years.

Managers should note that the in-house CPC training organised by Transport Services focuses on different modules each year and therefore in order to ensure that their drivers complete the whole of the training programme over the 5 years period they must arrange for them to attend one days training every year. Therefore, if a driver fails to attend CPC training in any one year, it will not be possible for them to 'catch up' those module(s), unless special arrangements are made with Transport Services at an additional cost to the Service.

All agency workers, other contractors and volunteers must be able to demonstrate through evidence that they have undertaken training consistent with the requirements set out for Council employees.

All employees and others driving on behalf of the Council will only be permitted to drive vehicles within their licence entitlement. If an employee is required to gain an additional category of vehicle appropriate driver training/assessment, as required by current legislation, must be undertaken.

### **7. Learning to drive different categories of vehicle**

With the exception of single seat wheeled vehicles, no person will be allowed to learn to drive any Council fleet (or hire) vehicle on the public highway without having

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

a full Category B (car) driving licence and a provisional entitlement to drive the category of vehicle they are seeking to obtain a licence for.

Learner plates must be fitted to all vehicles being used for the purpose of driver training.

Learner drivers (except those driving single seater wheeled vehicles) must be accompanied at all times by a person licenced to drive the category of vehicle being driven<sup>2</sup>. Such persons must be over 21, have held a licence for the category of vehicle for at least 3 years, and have been assessed by an assessor (approved by Transport Services), in the previous 5 years, as being competent to support a learner driver.

Employees may be given the opportunity to gain experience driving a single seater wheeled vehicle on the public highway (including pedestrianised areas and grass verges) or public places (including parks, grassed areas adjacent to the highway and cemeteries) if they hold a full Category B licence or a provisional licence appropriate to the category of vehicle being driven.

If the employee only holds a provisional licence the following measures must be undertaken with respect to driving single seater wheeled vehicles:

- learner plates must be fitted at all times the vehicle is being driven;
- a risk assessment must be undertaken by their manager before the employee drives the vehicle in a public place, including confirmation that safety awareness training has taken place;
- a driver assessment is undertaken by an assessor who has written authority to act in this capacity from Transport Services, before the vehicle is driven on the public highway;
- the employee must demonstrate, through a recorded training plan, a commitment to gain a full licence to drive the category of vehicle within 12 months of first driving the vehicle; and
- a driver assessment must be completed by an accredited assessor every 4 months until the employee has gained their full licence.

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<sup>2</sup> Employees who have passed their car driving test before 1st January 1997 automatically have the right to drive Category C1 and D1 vehicles however these employees are not permitted to supervise learners in these categories.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

### 8. Driving Accidents/Incidents

All employees and others must report any accident or near miss incident which occurs whilst driving on behalf of the Council to their supervisor or manager. A record of each occurrence will be retained.

On being notified of an accident, the supervisor/manager will undertake a full investigation including the taking of statements from witnesses and the completion of the [Health and Safety Accident Report Form](#) (or the [Insurance Provider's Accident Form](#) if a third party is involved) If a near miss incident occurs a [Hazard/Near Miss Reporting Form](#) will be completed as part of the investigation into the incident.

On conclusion of the investigation, the supervisor/manager will sign off the Accident Form and send copies to:

- Transport Services
- Corporate Health and Safety Team
- Council's Insurance Officer (or officer responsible for insurance matters within the service)

If following their investigation the supervisor/manager concludes that the accident/incident was due to driver error, appropriate action must be considered. Guidance is available from HR and/or Transport Services. Possible actions include further driver assessment and training and/or management action being taken in accordance with the Council's Disciplinary Policy.

Any employee is found to have failed to report an accident/incident which occurred whilst driving on behalf of the Council, may be subject to management action being taken in accordance with the Council's Disciplinary Policy.

Any agency worker, other contractor or volunteer who is found to have failed to report an accident/incident whilst driving a Council fleet (or hire) vehicle or privately owned vehicle may be asked not to undertake driving duties again.

All employees and others whose duties include driving must report any medical implications, incurred as a result of an accident occurring either during or outside of working hours, which affect their ability to drive safely. Managers may wish to contact Occupational Health if they have concerns about the medical condition of the driver as a consequence of the accident, before deciding whether or not they are fit enough to continue driving within working hours.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

### 9. Driving Infringements

All employees and others must report to their manager immediately any prosecutions arising out of their driving and/or any endorsements on their driving licence (or any accidents/incidents which are likely to result in a prosecution).

All employees and others must advise their manager of any forthcoming court appearances which could result in a driving ban to enable contingency plans to be put in place.

All employees and others required to drive for the Council, who are banned from driving, must report the matter immediately to their manager. In the case of employees, the manager will arrange a formal meeting with the employee to explore whether or not adjustments can be made to their post for the duration of the ban, failing which consideration will be given to whether a suitable alternative post exists within the employees Service which can be utilised by the employee for the duration of the ban. If neither of these options are available, management action in accordance with the Council's Disciplinary Policy will be taken which may result in the termination of the employee's contract of employment on the grounds of their inability to fulfil their contractual duties because of the ban, unless, as an alternative to dismissal, another post can be identified during the disciplinary hearing.

In the event that it is necessary to arrange such a formal meeting (and subsequent disciplinary hearing) the employee will be suspended on full pay until the date of the meeting (and subsequent disciplinary hearing) unless temporary alternative work can be found for them.

Similarly the Council may terminate (with immediate effect) the engagement of agency workers, other contractors and volunteers who are unable to undertake the full range of duties required of them as a consequence of any driving ban received.

Where management reasonably suspects that an employee about to undertake driving duties (including private vehicles), is impaired, as a consequence of consuming alcohol or other substances, (including prescribed and 'over the counter' medication), deemed to affect their driving capabilities, they may consider the application of the Council's Disciplinary Policy including the possible suspension of the employee from driving duties. An employee will not be permitted to resume their driving duties until such time as it is reasonably believed that they are fit to resume their duties and that they will not attempt to drive in the future when under the influence of alcohol or other substances which would impair their ability to drive safely.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

Any employee, driving as part of their contractual duties, found to be over the legal limit for alcohol consumption (or the legal limit for other substances) may be subject to management action being taken in accordance with the Council's Disciplinary Policy including consideration being given to suspending them from driving duties prior to a disciplinary hearing being arranged. Any employee who is identified as being unfit and/or unsafe to drive on behalf of the Council as a consequence of using substances which have no designated safe driving limits will also be subject to the application of the Disciplinary Policy.

Any agency worker, other contractor or volunteer found to be over the above legal limits will be immediately removed from driving on behalf of the Council.

Agency workers, other contractors and volunteers reasonably suspected of being about to drive under the influence of alcohol or other substances impacting on their ability to drive safely will be not be permitted to drive again on behalf of the Council.

Employees and others need to be aware of the effects of alcohol (or other substances) remaining in their system from 'the night before' and if they have any such concerns they must report these to their manager to enable consideration being given to whether they should be allowed to commence their driving duties.

All employees and others driving fleet vehicles are contractually required to undertake daily checks, including the completion of the [Daily Check List](#) (and Defect Report if a defect is identified), to ensure that there are no defects (e.g. lights, tyres etc.).

Employees failing to undertake these duties may be subject to management action in accordance with the Council's Disciplinary Policy. Agency workers, other contractors and volunteers will be removed from driving duties if they are found not to be completing these daily checks.

All fleet vehicles are subject to random checks by the Council's Fleet Enforcement Officer. Such checks will include vehicle overloading, and the correct application of EU Driver Rules. Any discrepancies found by the Fleet Enforcement Officer will be reported to the appropriate service areas for action to be taken (including the application of the Council's Disciplinary Procedure for employees).

The Council's Fleet Enforcement Officers have delegated authority to prohibit the continued use of a vehicle where it may pose a danger to the driver, passengers and the public. Employees and others, together with their managers must comply with all notices issued by the Fleet Enforcement Officers and failure to do so will

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

result in appropriate management action, which may include the application of the Council's Disciplinary Policy with respect to employees.

All financial penalties incurred whilst undertaking driving duties (including parking fines) will be met by the employee or other who was driving the vehicle at the time of the offence.

### 10. Safe Driving Practice

All employees and others driving on behalf of the Council must wear a seatbelt and drive with due care and attention at all times in accordance with their legal responsibilities. They must also ensure that any passengers travelling with them are also wearing a seatbelt.

All employees and others who are regularly carried as passengers in vehicles over 3500kg (GVW) will be provided with basic training to familiarise them with the steering and braking mechanisms of these vehicles. This familiarisation training is a precautionary measure to address the risk of the driver losing consciousness at the wheel.

Smoking (or the use of e-cigarettes) is not permitted in any Council fleet (or hire) vehicle nor is it permitted in privately owned vehicles during working hours or prior to starting work if the vehicle is going to be used to transport passengers when the driver starts work.

Any vehicle used to carry children must be fitted with sufficient children's car seats with a design specification appropriate to the age/size of the passengers being transported.

Employees and others must be able to demonstrate that they are in full control of the vehicle when driving and therefore they should not be eating or drinking at these times.

It is an offence to use a hand-held mobile phone whilst driving and as such this will not be permitted under any circumstances. Similarly the use of other devices whilst driving is also not permitted as it may be perceived that the driver is failing to have full control of their vehicle. Therefore vehicles must be parked in a safe position before phone calls are made or answered and/or texts and e-mails are sent or read on either hand-held or hands-free phones or devices.

Managers will ensure that the working practices of their employees and others include a provision that they should only respond to phone and text messages when it is safe to do so and that it is made clear that they are under no obligation to respond to such messages immediately upon their receipt.

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

The Council's "Safely Driven" scheme provided a mechanism for the public to provide feedback on the safety and courtesy of the Council's fleet drivers. Any such feedback received by Transport Services will be relayed to the appropriate service area and recorded on the employee driving history (where a specific driver can be identified). All feedback will be brought to the attention of the driver. Negative feedback will be considered against the driver's accident record and any licence endorsements to determine whether driver assessment, retraining or supervision are appropriate measures in accordance with the guidance provided by Transport Services.

It is equally important that positive feedback is also relayed back to the individual drivers and dependent upon the circumstances a letter of commendation may be awarded to the employee, agency worker or volunteer by their Service Manager.

### 11. Taking Council Vehicles Home

Employees may be permitted to keep a Council fleet (or hire) vehicle at home overnight and/or at weekends if this is agreed with their manager as being of benefit to the Council and subject to the limitations of the Council's Vehicle Operators Licence.

The criteria under which this permission may be applied are that it is;

- more efficient to drive between where the employee is working and their home than it is to pick up the vehicle from, and/or drop it off at, a different work base and/or
- safer to park it away from the workbase.

In such circumstances the vehicle is covered by the Council's insurance policy and there is no tax liability for employees. The employee will not have to pay for any fuel related to the commuting journey.

These provisions extend to include 'insignificant other private use' linked to the commuting journey which lasts for short periods. For example, a slight detour to pick up a sandwich on the way to work would be classed as insignificant but using the vehicle to do a weekly supermarket shop would be 'significant' and therefore a private journey.

If an employee is suspected of having used a Council fleet (or hire) vehicle for unauthorised private purposes the matter may be subject to management action being taken in accordance with the Council's Disciplinary Policy. In such cases consideration will be given to any tax implications, the lack of insurance cover for

## Driving at Work Procedure

**Version: 2.2**

**Date Issued: 27<sup>th</sup> September 2017**

such usage and the potential reputational damage to the Council of vehicles been seen in inappropriate locations.

Managers will be required to issue a reminder regarding these provisions to all employees who are permitted to take Council vehicles home either on a regular or occasional basis, and retain a record of this being undertaken.

# Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

APPENDIX 1

## Version History

Version: 2.1

Author: David Wright

Date Approved: 9<sup>th</sup> March 2017

Approved by: Helen Grantham, Assistant Chief Executive, Organisational Development

Date Issued: 9<sup>th</sup> March 2017

### Version Control (most recent first):

Version	Date Issued	Reason for Review	Key Amendments	Date Comp. Impact Assessment was Reviewed
1.00	4 <sup>th</sup> July 2016	Full review of Driving Policy	Total policy review	3 <sup>rd</sup> May 2016
1.1	12 <sup>th</sup> October 2016	Correction to medical assessment procedure	Minor Amendment - Occupational Health to liaise with GPs over verification of Driver's Health Questionnaires	N/A
2.0	9 <sup>th</sup> March 2017	6 months review following implementation of Policy/Procedure	Clarification on learning to drive single seater vehicles. Clarification on standards of medical assessments to be applied.	N/A
2.1	12 <sup>th</sup> May 2017	Minor change to new starter process	Reference now made to the driver safety guidance being issued at the Corporate Induction Training	NA
2.2	27 <sup>th</sup> September 2017	Clarification on rest breaks	Amended requirement for a 30 minutes break within a 6 hours work period to also include provision for 2 x 15 minutes rest breaks	
		<b>Date completed</b>	3 <sup>rd</sup> May 2016	

## Driving at Work Procedure

Version: 2.2

Date Issued: 27<sup>th</sup> September 2017

### APPENDIX 1

<b>Details of Most Recent Comprehensive Impact Assessment</b>	<b>Issues (if any)</b>	This Procedure will have a positive impact on the safety of Council employees and other road users.
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