



July 2015

Drivers' Policy and Guidance

Occupational Road Risk (ORR)

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1 Introduction

Torbay Council is committed to keeping its employees and members, healthy and so far as is reasonably practicable safe whilst they are at work, see <http://insight/h-s-policy.pdf> . This includes any activity involved in driving a motor vehicle or riding a motorcycle whilst on Council business.

This document supports and expands the Corporate Health and Safety Policy and provides practical guidance on managing ORR. The guidance applies equally to all Council employees, Elected Members, Partners, Agency and Volunteer workers who drive any vehicle or ride a motorcycle on Council business, and those with responsibility for management of those people or vehicles.

The policy is supported by a Corporate Drivers Handbook which must be available to and read by anybody that may be required to drive a motor vehicle on Council business.

This policy is not intended to cover those forms of non-motorised transport (such as bicycle) or motorised mobility aids such as powered wheelchairs and scooters.

It has been estimated that up to a third of all road traffic accidents involve somebody who is at work at the time. This may account for over 20 fatalities and 250 serious injuries every week. Some employers believe, incorrectly, that provided they comply with the road traffic law requirements, e.g. Council vehicles have a valid MOT certificate, and that drivers hold a valid licence, this is enough to ensure the safety of their employees, and others, when they are on the road. However, health and safety law applies to on-the-road work activities, similar to all work activities and the risks should be effectively managed within a health and safety management system. See also <http://insight/hsm-workplacetransport.doc>

Many incidents happen due to inattention and distraction as well as failure to observe the Highway Code. Managers will need to consider what steps are needed to ensure that their employees use the road as safely as possible by carrying out a risk assessment and employees should ensure they comply with these requirements.

2 Responsibility

Directors will ensure that the policy and guidance contained within it, is effectively communicated and implemented by their respective executive heads.

Senior Managers are responsible for ensuring that this policy and guidance contained within, is communicated effectively and adhered to within their respective Business Units. They will ensure that people who drive on Council business are competent, and authorised to drive.

Employees and others who drive on Council business are required to comply with the Highway Code, this policy and the arrangements contained within it.

Drivers are personally liable for payment of any penalties imposed through contravention of Road Traffic Legislation or Parking fines which may be levied against them.

Purchase of new vehicles

The Fleet manager (Tor2) is responsible for the purchase, lease or hiring of replacement Council vehicles. They will ensure that vehicles meet the current legal requirements under the Road Traffic

Construction and Use Regulations and give consideration to the safety of the drivers and users of such vehicles, the working environment, hours of use, ergonomic principles as well as purchase price and economic operation when sourcing a vehicle.

3 Maintenance of vehicles

All Council owned, leased or replacement hired vehicles will be regularly inspected and serviced in accordance with the manufacturers' recommendations.

Defects (Council owned or operated vehicles)

Defects affecting the safe operation of a vehicle should be reported immediately to the fleet manager at Aspen Way and the vehicle taken out of service until repaired. All other defects should be reported when discovered to the Garage at Aspen Way.

Breakdowns (Council owned or operated vehicles)

In the event of a breakdown, call for assistance from the Control Centre 01803 550405 giving details.

Working time

Managers of drivers will ensure that employees are not required to work beyond the legal permitted driving hours and that breaks are taken as and when required. Managers are also required to ensure that scheduling of work should take into consideration environmental and seasonal conditions to ensure adequate time is given to complete the allotted journeys. Journeys should be planned in such a way as to ensure that drivers of vehicles are not expected to driver continuously for more than 5.5 hours without a break of at least 30 minutes; or else 3 breaks of 15 minutes every 8.5 hours plus a break of 30 minutes after the 8.5 hour period.

4 Use of own vehicles

Drivers who use their own vehicles on Council business must ensure that they are roadworthy, fit for purpose and above all safe. They should seek permission from their line manager for authorisation to drive on Council business prior to doing so and provide the necessary documentation for inspection at the time and annually thereafter. Vehicles must be fit for purpose and have the necessary documentation (see **Monitoring** below).

5 Hire cars

For single journeys over 75 miles distance or 120 miles return it is mandatory that public transport or a hire car is used. There is a corporate contract arrangement in place with Thrifty Car Hire.

See the Council's Expenses policy:- http://insight/expenses_policy_july_2015.doc

Council staff who need to hire a car must meet the following requirements:

Drivers will need to comply with the stipulations put in place by Thrifty's insurance provider including the requirement to provide a check code, see 13. Monitoring

Drivers should be aged 25-70 with a full clean license that they have held for a minimum 2 years.

The service provider must be advised of any offences at the time of booking to ensure that the insurance service offered allows vehicles to be hired with these offences.

Penalty Charge Notices and Fines

During the period of car hire, employees will be liable for the payment of any penalty charge notices or fines whilst in possession of the car. The employee will be required to pay Thrifty directly to cover the cost of these. Managers should advise employees to contact Thrifty to pay any outstanding fees/fines incurred and request a credit note from Thrifty (this will be issued once the fine/penalty has been settled). Once received, the credit note should be sent to Payments for reconciliation.

For further information about the payment of fines and penalties, please see the Car Hire page on the intranet:- http://insight/car_hire.htm

6 Fitness to drive

Employees must report any medical condition which may affect their ability to drive or carry out their general duties to their line manager immediately when known and to the Driver Vehicle Licensing Authority if required. Employees need to have regular eyesight tests.

No one should drive under any circumstances which could affect their ability to drive safely or legally, whether their ability is impaired by illness, drugs, alcohol or other reason.

Driver competence

Managers must ensure that people within their departments who drive on Council business, have a current licence for the class of vehicle they are intending to drive. Employees must produce their driving licences for inspection at any time when driving a vehicle or at any other reasonable time. They must inform their line manager of any changes or alterations to driving licences or insurance i.e.

- Changes in vehicle categories covered
- Disqualification or Penalty points (Whether or not the offence was committed in a private or Council vehicle)
- Legal proceedings for a motoring offence
- Withdrawal or conditions placed on motor insurance

Driver Conduct

Drivers of vehicles on Council business whether fleet or privately owned, are expected to carry out their duties in a professional, courteous and helpful manner. Any problems which a driver cannot solve should be reported to their line managers. Drivers must obey speed restrictions and speeds kept to a level in accordance with road conditions and with regard to passenger comfort. Drivers should possess a copy of the Highway Code, and are expected to be familiar with, and observe its contents.

7 Mobile phones

The use of mobile phones by the driver without hands free equipment is prohibited when the vehicle is in motion or not parked and the handbrake set. The use of hands free equipment whilst not specifically prohibited by law should be discouraged as a matter of good practice.

See Mobile phones policy and guidance <http://insight/mobilephones.pdf>

8 Smoking

Smoking is prohibited in all Council vehicles (this includes electronic cigarettes). Drivers of private vehicles should refrain from smoking when passengers are being carried. See the Smokefree environment policy <http://insight/smokefreeenvironmentpolicy.pdf>

9 Training

Professional drivers should receive adequate and appropriate training for the type of vehicle in use.

Where risk assessment identifies a training need for any driver, Managers must ensure that appropriate action is taken for this to be addressed. In particular, driver training, or attendance at a driving refresher course, is mandatory if the driver has:

- Had two or more blameworthy collisions whilst driving for work (or whilst using their Leased Vehicle at any time) within the last three years; and / or
- Accumulated six or more current points on their driving licence; and / or
- Returned to driving duties following a period of disqualification

N.B. Drivers who have previously been disqualified from driving are prohibited from driving on Council business for a period of 2 years from the end of the disqualification date and undergoing suitable driver safety training.

The Council's Road Safety Team can be consulted in this respect.

10 Alcohol & Drugs

Employees need to be aware that the use of alcohol and/or drugs can seriously impair their judgement, perception and co-ordination resulting in a serious risk to their own safety and that of other road users. Employees should exercise caution in the use of prescribed medication. If prescribed medicines affect your ability to drive safely you should cease driving immediately and inform your line manager, see also <http://insight/drugsandalcoholmisusepolicy.doc>

11 Seatbelts and Other Restraints

All vehicle occupants should wear a seatbelt, or other suitable restraint, whether the vehicle is part of the Council's fleet or privately owned. Drivers are responsible for ensuring that all occupants are securely restrained in transit, including those using wheelchairs or infant carriers.

- Seating capacity of the vehicle must not be exceeded;
- All loads should be secured.

12 Journey Planning

It is the driver's responsibility to ensure that the journey is planned in advance to ensure the safest and most economical route is used. Journey planning should include consideration of the following points:

- Is the journey necessary, can alternatives such as video conferencing negate the need to undertake the journey?
- Is there an alternative method of travel? I.e. public transport.

If a journey must be made the driver should ensure that for all journeys, before departure:

- Somebody knows the destination & estimated time of arrival;
- Appropriate vehicle checks have been made;
- A contact name/number at the destination is left with a colleague;
- Additional safety equipment is considered for winter travel.
- Appropriate rest breaks are included in journey times.

13 Monitoring

Senior Managers will ensure that the requirements of the policy and arrangements are monitored on a regular basis to ensure effectiveness of the Policy. Managers are required to authorise a person to drive on behalf of the Council prior to doing so. They must inspect the documents of all employees who drive their own vehicles prior to them driving for the first time and on at least an annual basis thereafter.

(Those people who drive Council owned vehicles will also have their licences inspected by the Fleet Manager at TOR2). In practical terms this could be either when annual car park passes are issued or during the annual performance review. They should inspect and keep copies of the original documents; photocopies of documents must not be accepted.

They should ensure that the driver has:-

- A full current driving licence for the class of vehicle being driven. Normally class A for motor cycles and class B for cars, all other classes should be referred to the fleet manager.
- A Ministry of Transport (MOT) Certificate if required (vehicles with a date of first registration over 3 years old).
- A valid registration document giving name and current address of the owner of the vehicle.
- A certificate of insurance covering the use of the vehicle including use at work.
- Employees should not be allowed to drive on the Council's behalf if they have/are:
- Currently banned from driving
- Have completed their driving ban within the preceding two years
- Accrued 6 or more points on their licence
- Failed to produce the correct documents

- Are awaiting a court appearance for a serious driving offence

Employees should record the time and date a Council owned vehicle is used and the mileage driven each time they are used, managers are required to ensure that this is done.

From the 8th June 2015 the paper counterpart of the driving licence will no longer be valid. Instead to inspect your driving licence details or allow employers or car hire firms to access these details, you will need to access the DVLA website and generate a check code which will allow your employer etc. to access your driving licence details

You can use this service to:

- view your driving record, eg vehicles you can drive
- create a licence 'check code' to share your driving record with someone, eg a car hire company

The 'check code' will be valid for 21 days and will allow someone to see:

- what vehicles you can drive
- any penalty points or disqualifications you have
- the last 8 characters of your driving licence number

You can't use this service:

- if your licence was issued in Northern Ireland
- to check the progress of a licence application
- to check historical information, eg expired penalty points

To generate the code you will need

- your driving licence number
- your National Insurance Number
- the postcode on your driving licence

N.B, It's a criminal offence to obtain someone else's personal information without their permission.

See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443708/OOJX15X22X5_Redeem_080715.pdf

14 Assessing Risks on the Road

Senior managers are responsible for ensuring risk assessments are carried out for work-related driving activities and should follow the same principles of risk assessment for any other work activity. You should bear in mind that failure to properly manage work-related road safety is more likely to endanger other people than a failure to manage other risks in the workplace.

A risk assessment is a careful examination of work activities that can cause harm to people or damage to property and equipment. It helps you to weigh up whether you have done enough to ensure staff safety or should do more to prevent harm. Your risk assessment should be appropriate to the circumstances and does not have to be over complex or technical. It should be carried out by a competent person with a practical knowledge of the work activities being assessed.

When assessing the risk the driver and driver competence should be taken into consideration. Drivers who have accumulated points should be considered as a higher risk than those without – especially if their role includes the transport of people or equipment.

Steps to risk assessment

Step 1 - Look for hazards that may result in harm when driving on public roads. Remember to ask your employees, or their representatives, what they think as they will have firsthand experience of what happens in practice. You need the views of those who drive extensively, but also get the views of those who only use the roads occasionally. The range of hazards will be wide and the main areas to think about are the driver, the vehicle and the journey. See 'Evaluating the risks' for some suggestions.

Step 2 - Decide who might be harmed. In almost all cases this will be the driver, but it might also include passengers, other road users and/or pedestrians. You should also consider whether there are any groups who may be particularly at risk, such as young or newly qualified drivers and those driving long distances.

Step 3 - Evaluate the risk and decide whether existing precautions are adequate or more should be done. You need to consider how likely it is that each hazard will cause harm. This will determine whether or not you need to do more to reduce the risk. It is likely that some risks will remain even after all precautions are taken. What you have to decide for each significant hazard is whether the remaining risk is acceptable. More detailed advice on evaluating the risks in each of the topic areas mentioned under Step 1 is given in the next section of this guidance.

- Ask yourself whether you can eliminate the hazard, e.g. hold a telephone or videoconference instead of making people travel to a meeting. If not, you should think about how to control the risk, to reduce the possibility of harm, applying the principles set out below. These should be considered in the following order, if possible:
- Consider an alternative to driving, e.g. going at least part of the way by train.
- Try to avoid situations where employees feel under pressure, e.g. avoid making unrealistic claims about delivery schedules and attendance which may encourage drivers to drive too fast for the conditions, or exceed national speed limits.
- Organise maintenance work to reduce the risk of vehicle failure, e.g. ensure that maintenance schedules are in place and that vehicles are regularly checked by a competent person to ensure they are safe.
- Ensure that drivers and passengers are adequately protected in the event of an incident, e.g. ensure that seatbelts, and where installed airbags, are correctly fitted, work properly and are used.
- For those who ride motorcycles and other two-wheeled vehicles, crash helmets and protective clothing should be of the appropriate standard.

Step 4 - Record your findings. Employers with five or more employees are required to record the significant findings of their risk assessment. You must also tell your employees about what you have done. Your risk assessment must be suitable and sufficient. You need to be able to show that:

- a proper check was made;
- you consulted those who might be affected;
- You dealt with all the obvious hazards.

Step 5 - Review your assessment and revise it if necessary. You will need to monitor and review your assessment to ensure that the risks to those who drive, and others, are suitably controlled. For this to be effective you need to have a system for gathering, recording and analysing information about road incidents. You should also record details of driver and vehicle history.

You may also need to review your assessment to take account of changing circumstances, e.g. the introduction of new routes, new equipment or a change in vehicle specification. Such a review should seek the views of employees and safety representatives where appointed. It is good practice to review your assessment from time to time (at least annually or when changes occur), to ensure that precautions are still controlling the risks effectively.

Evaluating the risks

Working through this section will help you evaluate whether you are managing work-related road safety effectively. These considerations are not exhaustive and you may be able to think of others.

The driver

Are you satisfied that your drivers are competent and capable of doing their work in a way that is safe for them and other people?

- Does the employee have relevant previous experience?
- Does the job require anything more than a current driving licence, valid for the type of vehicle to be driven?
- Are your at-work drivers aware of Council policy on work-related road safety, and do they understand what is expected of them?
- Do they have any convictions/points for road traffic offences?

Vehicle suitability

Are you satisfied that vehicles are fit for the purpose for which they are used?

- When purchasing a new vehicle do you specify what it is to be used for and the environment it is to be used in?
- Is the vehicle suitable for the job in hand? Have you thought about supplementing or replacing it, with leased or hire vehicles?

Condition

Are you satisfied that vehicles are maintained in a safe and fit condition?

- Do you have adequate maintenance arrangements in place?
- How do you ensure maintenance and repairs are carried out to an acceptable standard?
- Is planned/preventative maintenance carried out in accordance with manufacturers' recommendations? Remember an MOT certificate only checks for basic defects and does not guarantee the safety of a vehicle.
- Do your drivers know how to carry out basic safety checks?
- How do you ensure that vehicles do not exceed maximum load weight?
- Can goods and equipment which are to be carried in a vehicle be properly secured; e.g. loose tools and sample products can distract the driver's attention if allowed to move around freely?
- Are windscreen wipers inspected regularly and replaced as necessary?

Safety equipment

Are you satisfied that safety equipment is properly fitted and maintained?

- Is safety equipment appropriate and in good working order?
- Are seatbelts and head restraints fitted correctly and do they function properly?
- Does the vehicle have a first aid kit? (Council vehicles)

Safety critical information

Are you satisfied that drivers have access to information that will help them reduce risks?

- Have you thought of ways that information can be made readily available to drivers?
E.g.:
 - recommended tyre pressures;
 - how to adjust headlamp beam to compensate for load weight;
 - How to adjust head restraints to compensate for the effects of whiplash;
 - The action drivers should take where they consider their vehicle is unsafe and who they should contact.

Ergonomic considerations

- Are you satisfied that drivers' health, and possibly safety, is not being put at risk, e.g. from inappropriate seating position or driving posture?
- Do you take account of ergonomic considerations before purchasing or leasing new vehicles?
- Do you provide drivers with guidance on good posture and, where appropriate, on how to set their seat correctly?

The journey

- Do you plan routes thoroughly?
- Could you use safer routes which are more appropriate for the type of vehicle undertaking the journey? Motorways are the safest roads and although minor roads may be fine for cars, they are less safe and could present difficulties for larger vehicles.
- Does your route planning take sufficient account of overhead restrictions e.g. bridges and tunnels and other hazards, such as level crossings, which may present dangers for long vehicles?

Scheduling

Are work schedules realistic?

- Do you take sufficient account of periods when drivers are most likely to feel sleepy when planning work schedules? Sleep-related accidents are most likely to occur between 2 am and 6 am and between 2 pm and 4 pm.
- Have you taken steps to stop employees from driving if they feel sleepy even if this might upset delivery schedules?
- Where appropriate, do you regularly check tachographs to ensure drivers are not cutting corners and putting themselves and others at risk?
- Do you try to avoid periods of peak traffic flow?
- Do you make sufficient allowances for new trainee drivers?

Time

Are you satisfied that sufficient time is allowed to complete journeys safely?

- Are your schedules realistic? Do journey times take account of road types and condition, and allow for rest breaks? Would you expect a non-vocational driver to drive and work for longer than a professional driver? The Highway Code recommends that drivers should take a 15 minute break every two hours. Professional drivers must of course comply with drivers' hours rules.
- Can drivers make an overnight stay, rather than having to complete a long road journey at the end of the working day?
- Have you considered advising staff that work irregular hours of the dangers of driving home from work when they are excessively tired? In such circumstances they may wish to consider an alternative, such as a taxi?

Distance

Are you satisfied that drivers will not be put at risk from fatigue caused by driving excessive distances without appropriate breaks?

- Can you eliminate long road journeys or reduce them by combining with other methods of transport? For example, it may be possible to move goods in bulk by train and then arrange for local distribution by van or lorry.
- Do you plan journeys so that they are not so long as to contribute to fatigue?
- What criteria do you use to ensure that employees are not being asked to work an exceptionally long day? Remember that sometimes people will be starting a journey from home.

Weather conditions

Are you satisfied that sufficient consideration is given to adverse weather conditions, such as snow or high winds, when planning journeys?

- Can your journey times and routes be rescheduled to take account of adverse weather conditions?
- Where this is possible is it done?
- Are you satisfied that vehicles are properly equipped to operate in poor weather conditions, e.g. are anti-lock brakes fitted?
- Are you content that drivers understand the action they should take to reduce risk, e.g.
- Do drivers of high-sided vehicles know that they should take extra care if driving in strong winds with a light load?
- Are you satisfied that drivers do not feel pressurised to complete journeys where weather conditions are exceptionally difficult?

15 Action in case of an accident

If the accident appears serious call the emergency services.

Ensure your own safety; do not create danger to yourself or others.

If passengers are mobile and uninjured have them vacate the vehicle and go to a place of safety, behind a barrier or on a pavement

If another vehicle is involved take the driver and vehicle details including damage

The Road Traffic Act requires that in the event of an accident the driver must stop and exchange the name and address of the driver and vehicle owner to all interested parties. If this is not possible, or if any person is injured at all, the driver must report the incident to a police station as soon as possible and in any case within 24 hours.

Try to obtain names and addresses of possible witnesses; even a witness who did not see the accident but can verify the position of the vehicles, or that your speed was not excessive, can be of value.

Do not admit liability to any other person.

If you receive any communications from any other party, insurance company etc. in the event of an accident, (Council owned or operated vehicles) refer them to Fleet Management at Aspen Way without further comment.

All accidents must be reported verbally as soon as possible to your line manager and must include details of injuries to passengers on board and location of vehicle using the Councils accident/occurrence form.