

Safe Driving at Work Procedure

Ref:	
Version:	
Supersedes:	
Author (inc Job Title):	Michael Moir - NHS Midlands and Lancashire Commissioning Support Unit Health, Safety and Fire Manager
Ratified by: (Name of responsible Committee)	
Date ratified:	
Review date:	
Target audience:	Governing Body and all staff working for, or on behalf of, the CCG

Contents

1.0	Introduction	3
2.0	Definitions	3
3.0	Roles and Responsibilities	3
3.1	Governing Body	3
3.2	Directors	4
3.3	Line Managers	4
3.4	Employees who drive for work	4
4.0	Arrangements	5
4.1	General	5
4.2	Vehicles	5
4.3	Lease Vehicles	6
4.4	Private Vehicles used for CCG Business	6
4.5	Licenses and Document Disclosure	6
4.6	Insurance	7
4.7	Seat Belts	7
4.8	Use of Mobile Phones	8
4.9	Drivers Health	8
4.10	Work Day Duration when travelling long distances	8
4.11	Reporting	9
5.0	Risk Assessment on driving whilst on CCG business	9
6.0	Equality Analysis Assessment	9
7.0	References	9
Appendix A	Vehicle and Journey Checks	9
Appendix B	Risk Assessment Guidance	10
Appendix C	Equality Analysis Checklist	14

1.0 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 Blackpool 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.

2.0 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;
- **Company vehicle** - a vehicle owned by or leased to the CCG;
- **Hire vehicle** - a vehicle hired to the CCG or to an individual under a hire agreement;
- **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.

3.0 Roles and Responsibilities

3.1 Governing Body

- Shall have overall responsibility for ensuring compliance with Health and Safety Legislation;
- Shall ensure that this procedure is reviewed annually and in the light of:
 - Any significant changes in work practices;
 - Any changes in statutory legislation or CCG requirements;
 - An incident occurs that requires improvement in practice;
- Shall ensure that adequate resources are made available to implement the procedure and carry out any remedial action or amendments to this procedure.

3.2 Directors

- Shall ensure the effective implementation of the Driving at Work Procedure with in their area of responsibilities.

3.3 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;
- Ensure emergency procedures are in place and that staff are aware of these.

3.4 Employees who drive for work must:

- Be encouraged to undertake routine weekly safety checks. It is recommended that they use the private vehicle weekly safety check form (Appendix A);
- Drive at all times in a competent way, observing all traffic laws including the speed limits and rules on alcohol and drugs;
- Keep their vehicle (lease, hire or private) in a clean and roadworthy condition;
- Notify the CCG of any accident or collision they are involved in immediately and to assist where required with any subsequent investigation as to the cause of such occurrence: they must also complete an accident/incident report;
- In the case of drivers of leased vehicles or vehicles hired by the CCG, to notify the CCG of any damage to the vehicle;
- Carry out regular safety checks on the vehicle and ensure that it is maintained and serviced in accordance with the manufacturer's recommendations and that any repairs are undertaken as soon as practicable: lights, fuel, oils, screen wash, wiper blades and tyres must be checked before each journey;
- 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 road fund licence;

- 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;

4.0 Arrangements

4.1 General

Before embarking on any journey, drivers should always carry out basic vehicle checks to ensure the vehicles 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 the relevant in date road tax and be appropriately insured.

4.3 Lease Vehicles

The legal responsibility for ensuring that the vehicles are maintained to an adequate level to ensure they are road worthy and safe lies (e.g. tread on tyres, clear windscreen) with the driver.

All should have a written management plan in place for their lease vehicles. The management plan must take into account the type of vehicles, the uses and any statutorily imposed standards. All management plans should include details on the following, including frequency of checks or safety examinations:-

- MOT Tests (If over 3 years old);
- Road Tax;
- Servicing and other formal safety checks;

4.4 Private Vehicles used for CCG Business

Employees who drive their own vehicles on behalf of the CCG are expected to ensure that their vehicles are serviced at the manufacturers recommended intervals; They must ensure they have Business Use insurance included on their policy; They must ensure they have a valid Road Fund Licence. 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.

They are also encouraged to undertake routine weekly safety checks to include the following. A check sheet is can be found at Appendix A to aid making these checks.

4.5 Licenses and document disclosure

All drivers must ensure they have a valid license (photo licence valid for 10 years). 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 valid driving licenses 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.

4.6 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.

If an employee hires a vehicle they must take the insurance offered by the hire company or arrange insurance through their own motor provider.

4.7 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.

4.8 Use of Mobile phones in Vehicles

Since 01 December 2003 it has been illegal for drivers to use a hand held mobile phone when driving. Those found guilty will face a fine of up to £1,000 and penalty points for each offence.

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 comply with current law regarding the use of mobile phones in vehicles and 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 have a passenger, let them make or answer the call for you;
- If you are driving alone, set the voice message facility to take the call for you;
- 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. **Remember to switch the engine off when using a hand-held mobile phone, even when parked;**
- If you need to make a call, find a safe place to stop, do so and turn the engine off, before making the call;

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

4.9 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 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.

Drivers also have an individual responsibility to report any medical condition diagnosed by a Registered Medical Practitioner which might adversely affect their ability to drive safely to the DVLA (as advised), and to their manager.

4.10 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 15 minutes after driving continuously for two hours.

4.11 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.

5.0 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.

It is accepted that a specific assessment would not normally be required for journeys of less than 2 hours.

Further guidance regarding driving risk assessments can be found at Appendix 2.

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.

7.0 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

Appendix A

Vehicle and Journey Checks

The Road Traffic Act states that the driver is responsible for the roadworthiness of any vehicle, the load being carried and the wearing of seat belts by passengers, whilst travelling on the public highway.

As such, it is strongly recommended that CCG employees intending to drive any vehicle on CCG business should undertake appropriate checks prior to using the vehicle, for example:-

Vehicle Checks

Each day prior to use of any vehicle a thorough check should be carried out to ensure that it is fully operational.

Things to check include:

- Tyres - for inflation and tread depth;
- Seats - for position;
- Seat belts – for use;
- Windscreen and windows - for visibility;
- Mirrors - for view;
- Washer - for operation;
- Wipers - for operation;
- Foot and handbrake – for operation;
- Lights, indicators, hazard warning – for operation

Before each trip the following should be ensured:

- Safety of passengers (if applicable);
- Security of load;
- Fuel for trip.

Once on the road, the following should be regularly monitored and dealt with accordingly:

- Engine temperature;
- Fuel level;
- Warning lights;
- Passenger comfort;
- Security of load;
- Driver fatigue;

These checks represent the minimum a driver should do to ensure his or her own safety, as well as that of any passengers who may be on board.

Drivers should apply all necessary actions they consider to be justified to ensure that a safe journey is completed to the comfort and satisfaction of all.

Appendix B

Risk Assessment Guidance

Assessing Risks on the Road

Risk assessments for any work-related driving activity should follow the same principles as risk assessments 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 properly manage risks in the workplace.

A risk assessment is nothing more than a careful examination of what at work activities can cause harm to people. It helps you to weigh up whether you have done enough to ensure safe working practices or should do more to prevent harm. Your risk assessment should be appropriate to the circumstances and does not have to be overly complex or technical. It should be carried out by a competent person with a practical knowledge of the work activities being assessed.

The aim is to make the risk of someone being injured or killed, as low as possible.

General Assessment

Most journeys under two hours will not require a specific assessment to be carried out. However, under certain conditions e.g. driving at night or carrying a large load an assessment will be required. Each manager should assess from the criteria below what is required and assess the journey accordingly.

STEPS TO RISK ASSESSMENT

Hazard means anything that can cause harm.

Risk is the chance, high or low, that someone will be harmed by the hazard.

Step 1 - Look for hazards that may result in harm when driving on public roads. The range of hazards will be wide and the main areas to think about are the driver, the vehicle and the journey.

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.

- Ask yourself whether you can eliminate the hazard, e.g. hold a telephone or video conference 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 attendance which may encourage drivers to drive too fast for the conditions, or exceed speed limits.

Step 4 - Record your findings. You must 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.

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

Competency

- 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 you satisfied that your drivers are properly trained?
- Do drivers need to know how to carry out routine safety checks such as those on lights, tyres and wheel fixings?
- Do drivers know how to correctly adjust safety equipment, e.g. seat belts and head restraints?
- Do drivers know how to ensure safe load distribution,
- Do drivers know what actions to take to ensure their own safety following the breakdown of their vehicle?
- Are drivers aware of the dangers of fatigue?
- Do they know what they should do if they start to feel tired?

Fitness and health

- Are you satisfied that your drivers are sufficiently fit and healthy to drive safely and not put themselves or others at risk?
- Are staff that drive at work be reminded that they must be able satisfy the eyesight requirements set out in the Highway Code 1?
- Have you told staff that they should not drive, or undertake other duties, while taking a course of medicine that might impair their judgement? In cases of doubt they should seek the view of their GP.

The vehicle

Suitability

- Are you satisfied that vehicles are fit for the purpose for which they are used?
- Do you ensure that privately owned vehicles are not used for work purposes unless they are insured for business use and, where the vehicle is over three years old, they have a valid MOT certificate?

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.
- 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?

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?

Safety critical information

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

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?

The journey

- Do you plan routes thoroughly?
- Could you use safer routes which are more appropriate for the type of vehicle undertaking the journey?

Scheduling

- Do you take sufficient account of periods when drivers are most likely to feel tired when planning work schedules?

Time

- Are you satisfied that sufficient time is allowed to complete journeys safely?
- Do journey times take account of road types and condition, and allow for rest breaks (The Highway Code 1 recommends that drivers should take a 15 minute break every two hours).

Distance

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

Appendix C

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>	