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01 INTRODUCTION

It is estimated that more than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time (Department for Transport figures). Health and safety law applies to work activities on the road in the same way as it does to all work activities, therefore it is paramount that the risks to drivers (and others who may be affected) are included as part of health and safety arrangements.

Scope

This Policy applies within all Outcomes First Group, it applies to all staff operating any vehicle as part of Company business activities, and includes Vehicles owned by the Company, other company leased or hired vehicles and staffs' personal vehicles authorised for use on Company business. This will include:-

- Direct employees,
- Bank staff or agency staff supplied by an Agency to undertake a specific role at one of the group's services;
- Any additional drivers who have been authorised to drive the vehicle provided, e.g. partner of company car holder;
- Employees attending a company office, event or other location on the company business, e.g. training, meeting etc;
- Any other additional drivers who have been authorised to driver for specific tasks e.g. delivering or collecting items.

Motability vehicles are exempt from policy issues relating to Insurance, servicing / MOT's, maintenance and repair and breakdown assistance as these are provided through the Motability scheme.

Purpose

The Company has a legal responsibility to ensure the health, safety and welfare of our employees whilst at work, the people we support and others e.g. members of the public and to provide suitable systems for ensuring the safety of all plant and equipment, including vehicles.

This policy and associated information is designed to ensure company drivers are aware of their responsibilities. Control measures are in place to minimise any risks to our staff, and the people we support.

02 GENERAL POLICY STATEMENT

OFG recognises that although its primary responsibility is for the health and safety of staff engaged in driving at work, it also has a duty of care for other road users and members of the public who could be put at risk by work related driving activities.

The Company's policy therefore is to comply with both the letter and the spirit of the law on Health and Safety at Work and to this end, the provisions of this policy are centred around compliance with all driving related legislation, and endeavouring to adopt best practice thus ensuring the safety of our staff and service users as far as is reasonably practicable.

This Policy sets out the Company's arrangements for the control of work related driving taking into account the requirements of health and safety legislation, road traffic law and regulations and standards relating to the care/education of children and adults. In addition, the company recognises that environmental impact and sustainability are important considerations with respect to work related travel and that these issues should be considered as part of the assessment for any journey undertaken.

The company will achieve this through:

- Selection and procurement of appropriate vehicles which takes into account behavior issues of the people we support and the requirement that they through design of the vehicle must not be able to physically make contact with the driver;

- Selection of competent contractors;
- Provision of driver aware / vehicle awareness briefings / training and assessment (where deemed relevant) for drivers;
- Assessment of driver wellbeing and medical surveillance;
- Regular maintenance, servicing and inspection of our vehicles;
- Audit regimes set by operations / quality management teams;
- Planning for foreseeable emergencies;
- Accurate record keeping.

It is the Policy of the company that wherever there is a safer, more practical or more cost effective alternative to driving then it should be used.

Compliance with this policy will require the full co-operation of all levels of staff, however, failure to comply in full or part and any subsequent legal / criminal charges and associated fixed penalties or licence endorsement will result in an individual being responsible for the full consequences of their actions which may include disciplinary action.

The use of any company pool vehicle for any purpose other than Company business is expressly prohibited.

03 LEGISLATION

The company has a responsibility under sections 2 and 3 of the Health and Safety at Work etc Act 1974 to ensure, so far as reasonably practicable, the health and safety of employees and others (people not employed) who may be affected by the work activities. It applies to all work activities and premises and everyone at work has responsibilities under the Act.

The Management of Health and Safety at Work Regulations 1999 also require that risks to employees and others arising from work activities are assessed and managed. The Provision and Use of Work Equipment Regulations 1998 places a duty on the company to ensure that all work equipment, including any vehicle irrespective of ownership, is operated and maintained safely.

The Road Traffic Act 1988 (as amended) poses duties on all road users for the roadworthiness of the vehicle, the load being carried and the wearing of seat belts by passengers. Note: This list is by no means exhaustive but it identifies some of the key pieces of legislation associated with driving at work.

04 ORGANISATION AND MANAGEMENT RESPONSIBILITIES

Specific Responsibilities and Arrangements

Board of Directors

The Board of Directors have ultimate responsibility for ensuring that the Company meets its statutory obligations and that effective arrangements for the management of health and safety are put in place and are therefore responsible for setting and approving policy direction in relation to employees driving on company business

Group Chief Executive Officer

The Chief Executive has overall responsibility for ensuring that the Company meets its statutory obligations and that effective arrangements for the management of health and safety are put in place.

Managing Directors of specific services

The Managing Directors have executive responsibility to manage Health and Safety including compliance with Health and Safety at Work Act, etc. 1974 and other relevant legislation, best practice guidance and Company policies to meet legal and organisational requirements.

Regional Directors / Heads of Service / Operational Managers

Regional Directors / Heads of Service / Operational Managers are responsible for the ensuring the provision of arrangements in relation to driving at work and ensuring that the company's policy is implemented for their respective services, for providing support and advice to their respective managers and monitoring implementation of this policy within their respective areas.

They should understand the legal requirements to manage vehicle safety, and ensure adequate resources are available for policy implementation, including replacement/maintenance of company vehicles and provision of any training as relevant. In particular they must ensure that:

- There are mechanisms in place to ensure that staff are qualified to drive company owned or leased vehicles,;
- There are systems in place to ensure that any vehicle owned or hired by the company and privately owned vehicles used on company business activities are maintained in a roadworthy condition and comply with legal requirements;
- Any local rules are published for driving at work activities and there are systems in place to bring these to the attention of all relevant staff;
- There are systems in place for monitoring and reviewing policy implementation and reporting on progress, as required;
- There is implementation of disciplinary procedures for non-compliance, if required; and
- That rest periods and where necessary overnight stops are allowed for when planning work activities that involve driving long distances.

Group Health and Safety Manager

The Group Health and Safety Manager is responsible for advising on appropriate measures to meet legal and organisational requirements as required.

Property and Facilities Managers / Other Responsible Managers

(For the purposes of this policy, responsible managers are those who are responsible for the sourcing and maintenance of company vehicles).

Are responsible for the sourcing of vehicles and the ongoing maintenance, servicing and MOT arrangements of all vehicles owned by the Company and providing safety critical information to Managers and drivers to ensure safety in the use of vehicles. In particular ensuring that:

- All new or replacement vehicles are sourced in liaison with the Regional Directors / Heads of Service / Operations Managers and/or Registered Manager; Head Teachers, etc. to ensure suitability;

- The requirement for additional vehicle / replacement is approved by the Regional Directors / Heads of Service/Operations Managers;
- They follow the company procedure for ensuring the company's Insurance company / brokers are informed of additional / new / replacement fleet vehicles'
- Suitable systems and arrangements are in place to monitor and plan for annual Road Fund Licence's and MOT's for all company vehicles over 3 years old;
- Suitable systems and arrangements are in place to monitor and plan for routine servicing for all company vehicles in accordance with manufacturers recommendations;
- Ensuring all repairs and servicing are carried out using an approved garage and records / receipts are kept on file;
- Suitable checks and records are in place to evidence due diligence when selecting a suitable approved garage;
- Providing safety critical information to Managers and drivers such as recommended tyre pressures, child door locks and adjustment mechanisms for head restraints etc.

Registered Managers and Head Teachers / Principals

Have direct responsibility for health and safety matters relating to premises under their control and for persons reporting directly to them and are therefore responsible for the implementation of the provisions of this policy for the homes / schools under their jurisdiction, and must ensure:

- Only drivers who have submitted the relevant documents and have been subject to checks as laid out in the policy are approved to drive on company business;
- In liaison with Facilities Managers / other responsible managers, vehicles provided by the company are suitable for their intended purpose;
- Ensuring (with the support of the Maintenance Team as applicable) adequate systems and arrangements are in place for carrying out weekly vehicle checks and that these are documented.
- Ensuring that drivers carry out pre-journey checks prior to undertaking any driving activity;
- Checking relevant documents annually, where relevant (i.e. where facilities managers; admin managers or HR are not responsible for this function);
- Ensuring adequate systems and arrangements for the reporting and rectification of vehicle deficiencies/obvious faults;
- Drivers are familiar with the Driving at Work Policy and associated information and understand that they must comply with the requirements of the Driving at Work Policy and any associated policies, information and arrangements for example mobile phone use, smoking etc.;
- In liaison with the relevant departments, ensuring that staff are provided with adequate information, instruction and/or training to fulfil the driving aspects of their role in a safe manner;
- In liaison with Administration Managers / HR (where applicable) staffs own vehicles used for driving on company business are properly taxed, have a valid MOT and valid insurance for business use;
- Ensure that suitable and sufficient risk assessments are carried out for driving activities;
- Encouraging drivers to follow good practice and keep their skills and knowledge up to date;
- In liaison with the Facilities Managers (where relevant) that all drivers are fully aware of what action they need to take in an emergency situation including breakdowns; accidents / incidents and reporting of faults;
- Ensuring adequate systems and arrangements for ensuring that vehicles considered deficient / illegal and likely to cause harm, are immediately withdrawn from use until repaired;

- That drivers have sufficient time for journeys and do not feel pressured into completing them faster by speeding or taking risks; monitoring and, if necessary, restricting total hours / miles driven to ensure that drivers do not suffer from fatigue;
- That in extreme bad weather, every effort is made to keep journeys to an absolute minimum i.e. only those which are absolutely necessary;
- Ensuring that new staff are provided with adequate information / instruction / training before using a vehicle and that this is documented using the Vehicle Induction Form;
- Organisation of minibus driver training and assessment where relevant;
- Organisation of minibus driver health surveillance where relevant;
- Following any additional policies and procedures as required e.g. Drug and Alcohol Policy; Conduct; Disciplinary.

Administration Managers / HR

Where relevant are responsible for the following:

- Liaising with other relevant managers ensuring that pre-employment checks for new starters in each driver category are carried out in full;
- Collate annual driver declaration forms for employees in each driver category, including;
 - Checking of driving licences via the Driver and Vehicle Licensing Agency (DVLA) on the following link: <https://www.gov.uk/check-driving-information> or call the DVLA customer enquiries line on 0870 240 0009
 - Checking / retaining copies of vehicle insurance certificate for owner drivers
 - Checking / retaining copies of valid MOT certificate for owner drivers(for own vehicle only)
- Inform and advise the member of staffs Line Manager immediately of any concerns or convictions which may affect the legality or ability to drive on company business.

Administrative Teams (where relevant)

Are responsible for collating and maintaining records for all drivers, including current driving licence, MOT certificates and insurance details (when claiming vehicle related expenses) and informing all relevant parties of discrepancies or concerns that may affect the cover of company insurance.

Employee Drivers

Employees have a clear duty under section 7 of the Health and Safety at Work etc. Act 1974 for the safety of themselves and others. Drivers also have a duty under the Road Traffic Acts (as amended) for the roadworthiness of the vehicle, the load being carried and the wearing of seat belts by passengers as detailed in The Highway Code, therefore, the implementation of this policy requires the full co-operation of all levels of all staff who drive on company business by:

- Ensuring they are fit and competent to drive;
- Complying with the Driving at Work Policy, the requirements of any associated policies and any other guidance provided in the interests of safe driving at work;
- Carrying out pre-journey vehicle checks and are satisfied that prior to any journey on company business that the vehicle they are driving is fit for its purpose and roadworthy, this to include any measures required to protect the driver from aggression from the people we support are in place;
- Not driving a defective vehicle, reporting any defects to their line manager and/or Property Manager as relevant;

- Ensuring that private vehicles that are used for Company business are roadworthy and maintained according to the manufacturer's specifications; appropriately insured for business purposes, taxed and have a valid MOT certificate where applicable;
- Reporting any vehicle accidents or incidents that occur whilst driving at work;
- Being familiar with the action to be taken in an emergency situation;
- Being aware that fatigue will be more of a problem at certain times (there is an increased likelihood of falling asleep at the wheel in the afternoon and in the early hours of the morning);
- Staying calm and relaxed while driving and try to avoid situations which could lead to stress or road rage;
- Only using a company vehicle for personal use with the express permission of the company, as failure to do so may invalidate the insurance cover, leading to a claim against the staff member;
- Ensuring that they are medically / physically fit to drive including that their eyesight satisfies the eyesight requirements set out in the Highway Code;
- Not driving while under the influence of alcohol, prescription medication or "over the counter" medication if this affects the ability to drive safely, or illicit drugs;
- Allowing sufficient time for planning the route, driving the route and the breaks needed to prevent fatigue - when appropriate extra journey time and breaks should be built into the journey plan;
- Disclosing any cautions, convictions, bind overs, pending prosecution, reprimands or warnings which arise during their employment as a condition of their ongoing employment;
- Disclosing any motoring offences including cautions and convictions which arise during their employment as a condition of their ongoing employment;
- Disclosing any medical conditions that may affect their ability to drive safely, including disease or physical infirmity including those which are legally notifiable to DVLA.

Any drivers found not to have disclosed such circumstances may be subject to disciplinary action.

It is important that all drivers are fully aware that they are required to comply with the requirements of the Road Traffic Act 1988, as detailed within the Highway Code. Under this act, the driver is responsible for the roadworthiness of the vehicle, the load being carried and the wearing of seat belts by passengers.

Any driver who fails to follow company procedures in accordance with this policy, may be subject to disciplinary action.

05 RISK ASSESSMENT / DRIVING AND PREGNANCY

Risk Assessment

Risk assessments for any work-related driving activity should follow the same principles as those for any other work activity as outlined under Regulation 3 of the Management of Health and Safety at Work Regulations 1999.

A risk assessment is a careful examination of what work activities can cause harm and considers whether adequate controls have been implemented to prevent/minimise harm. A generic work-related driving risk assessment that outlines measures to prevent harm so far as reasonably practicable will be sufficient for most journeys, however for journeys or driving activities that present additional risks a more detailed assessment should be completed and recorded for example when undertaking non-routine activities and longer journeys.

Additional information relating to this is to be found in the document “**Driving at Work – Advice and Guidance**”

Note – remember there may be local policies / procedures specific to your service which also need to be considered.

Driving and Pregnancy

For employees who are pregnant, there is no exemption to wearing a seat belt.

There is a requirement under the Management of Health and Safety at Work Regulations 1999 to take particular account of risks to new and expectant mothers when assessing risks, therefore when an expectant mother has informed her line manager, a risk assessment will be carried out by line management.

Information relating to the safe use of seatbelts for expectant mothers can be found on the following link:

<http://www.rospa.com/rospaweb/docs/advice-services/road-safety/vehicles/seatbelt-advice.pdf>

06 VEHICLE CLASSIFICATION

Minibus

A minibus is defined as a passenger-carrying vehicle having more than 8 seats but no more than 17 seats including the drivers. Minibus classification also takes weight into account. Vehicles classified as minibuses are less than 3.5 tonnes and include surrounding windows.

Multi-Purpose Vehicle (MPV)

A Multi-Purpose Vehicle (MPV) is a vehicle that has a maximum of eight passenger seats. It can be driven under the same driving licence entitlement as a car depending on when you passed your driving test and the weight of the vehicle. If you passed your driving test after 1st January 1997 you are restricted to driving a vehicle with no more than eight passenger seats and a maximum authorised mass of 3500kg.

07 DRIVER CATEGORIES

Category A

All staff, including agency workers, who will be driving company owned / leased vehicles, as an essential part of their job this includes personal issue company vehicles.

Category B

Staff, including agency workers, authorised to use their own vehicles for company business.

Members of staff using their own vehicle for company business, must contact their vehicle insurer to ensure that their policy provides the necessary cover. Staff authorised to use their own vehicle for legitimate company business will be entitled to reimbursement of all mileage related to company business in line with the company's Expenses Policy. Staff are responsible for the safe and legal

condition of their vehicle whenever used on company business, including servicing arrangements and completing routine safety checks.

Category C

Minibus drivers - Limitations of Licence

Subject to meeting the Company's requirements as detailed within this policy, anyone holding a UK driving licence obtained **prior to 1st January 1997** whose licences include category D1 can drive a minibus carrying up to 16 passengers (17 seats including the drivers) and which has a maximum length of 8 metres.

Drivers who obtained their driving licence **after 1 January 1997** do not have category D1 on their licence are therefore are not automatically entitled by law to drive a minibus, however, holders of a full category B (car) driving licence may drive a minibus with up to 16 passenger seats provided all the following conditions are met:

- The vehicle is being driven on a voluntary basis and used for social purposes by a non-commercial body;
- The driver is aged 21 or older;
- The driver has held a driving license for at least 2 years;
- The minibus maximum weight is not more than 3.5 tonnes (or 4.25 tonnes including any specialist equipment for the carriage of disabled passengers e.g. wheelchair ramp);
- If the driver is aged 70 or over, is able to meet the ['Group 2' medical standards](#) – if not sure driver should contact their GP;
- No trailer is being towed.

If the above criteria are not fully met then the person will need to apply for a minibus licence.

When driving a minibus under these conditions no payment or consideration for doing so can be received other than out of pocket expenses and this relates to driving in this country only.

In addition to the above, it is a requirement of the company insurance that anyone eligible to drive a minibus must be aged 23 years or older.

08 AUTHORISED DRIVER APPROVAL

Before any employee is allowed to drive on company business, they must be approved as an Authorised Driver and there are a number of checks which need to be made as part of the authorisation process which are detailed below. Agency staff who are required to drive company vehicles are subject to the same procedure as permanent employees and must be authorised as an approved driver before they are allowed to drive company vehicles.

Employees shall not drive on company business until they have received notification that this process has been completed.

The company reserves the right to refuse or withdraw authorisation to drive on company business at any time.

New Drivers

Drivers who have recently passed their driving test must be allowed adequate time to become confident with driving a vehicle before being asked to drive the people we support. Managers must ensure that prior to driving the people we support they discuss the issue with the prospective driver.

Driver Pre – Employment and Annual checks

Some checks and actions are common to all the driving categories, but some are specific to particular groups. These checks are then repeated annually. Records are held confidentially and are detailed in the following table:

	Cat A	Cat B	Cat C
Pre – employment checks;			
Staff to complete a pre-employment medical assessment form	✓	✓	✓
Staff to complete the Driver Declaration Form	✓	✓	✓
Check staffs driving licences	✓	✓	✓
Check staffs vehicle insurance insured for business use		✓	
Check staffs vehicle MOT certificate (if using their own vehicle)		✓	
A review should be carried out where the individual’s driving record indicates poor driving having six or more points on their licence.	✓	✓	✓
	Cat A	Cat B	Cat C
Annual checks and Records;			
Staff to complete the Driver Declaration Form	✓	✓	✓
Check staffs driving licences	✓	✓	✓
Check staffs vehicle insurance insured for business use		✓	
Check staffs vehicle MOT certificate Staffs own vehicles and company vehicles.	✓	✓	✓
Check service record for company vehicles	✓		✓
A review should be carried out where the individual’s driving record indicates poor driving having six or more points on their licence.	✓		✓

In addition to the above, drivers of minibuses must ensure they have completed any training required by the company.

Confirming driving Licence to an employer

Employees driving on company business are asked to provide evidence of their driving licence record (entitlements and/or penalty points). This can only be done online by accessing the Gov.UK website:

<https://www.gov.uk/view-driving-licence>

Employees are required to generate a DVLA check, on the link provided above, print a copy which must be submitted together with the completed driver declaration form.

09 ENDORSEMENTS, CONVICTIONS AND FIXED PENALTIES

Disclosure

Staff are required to disclose to their manager any motoring offences including cautions and convictions which arise during their employment whether on company business or not, as a condition of their ongoing employment.

Registered / Service Managers, Head Teacher's etc. must investigate the reasons for any endorsements and convictions to assess the risk to the member of staff concerned and others, if they continue to drive on company business.

Driver Responsibility

Whilst driving on company business, employees are considered to represent the company and their behaviour whilst driving is a reflection on the image of the company. The company therefore expects everyone who drives for work to drive safely for their own and others benefit. Employees are expected to be courteous and to abide by the Highway Code and road traffic laws, in particular observing any local and national speed restrictions.

The driver is responsible for all endorsements, penalties and fines incurred whilst driving a company vehicle and/or their own vehicle when on company business. In the event that a single or number of endorsements are incurred which affects the employee's ability to fulfil their role, or affect the business or reputation of the company, this may be addressed in accordance with the relevant policy (e.g. capability; discipline). Drivers found breaking legal speed restrictions or prosecuted for any driving offence while on company business may face disciplinary action. If a speeding offence is committed while transporting the people we support, action will be taken in line with the disciplinary procedure. In the case of a third party their ongoing service provision to the Company will be reviewed.

Where an employee is a passenger in a vehicle being used on behalf of the Company either by a fellow member of staff or by a third party and the driver exceeds the speed limit, it is strongly advocated that the employee request that the driver reduces their speed to within the speed limit. When the journey is complete the employee must report this matter to their line manager.

Driving Offences – Penalties and Fines

The driver is responsible for all driving offences committed whilst in control of a vehicle, therefore, for all associated penalty fines incurred during the use of a company vehicle (this includes company owned, leased or contract hired and short term hire vehicles) and staffs own vehicles used for company business (example parking and speeding fines). The company will not reimburse drivers for any fines. If a driver disputes a fine it is their personal responsibility to do so directly with the relevant authority.

In certain cases the non-payment of a fine will result in the relevant local authority sending a reminder to the Finance Department. In these circumstances if the company pays the fine on the driver's behalf the amount of the fine will be deducted from salary. Where speeding is concerned, this may also result in disciplinary action in line with the company disciplinary policy.

10 HEALTH, MEDICAL CONDITIONS AND FITNESS TO DRIVE

Fitness for Driving

It is the individual's responsibility to ensure that they are fit to drive when they take a vehicle onto the public highway, this would include where any drivers are subject to requiring a D4 medical examination to determine medical fitness. Drivers should not start to drive nor continue to drive if they feel tired or unwell, or if they are taking prescription or over the counter medicine that may affect their ability to drive, or are receiving any medical treatment during which they are advised against driving.

Drivers must not drive if suffering from any medical condition, which may affect their ability to drive. A person, who is required to drive as part of their employment, must disclose any medical conditions that may affect their ability to drive safely, including disease or physical infirmity including those which are legally notifiable to DVLA,

Responsible Managers (Registered / Service Managers, Head Teachers etc.) must then:

- Obtain as much relevant information as possible from the member of staff, including why their driving may be affected;
- Obtain advice from Human Resources if the proposed action is likely to have a significant effect on the individual's employment;
- Take the person off driving duties until further clarification can be obtained; and
- Consider referring to Occupational Health for further assessment and advice.

All drivers should review their own day-to-day health in respect of their ability to drive safely, for example, if they are suffering from influenza or a migraine or are taking medication that may impair their driving.

All staff who drive as part of their work activities must complete the Driver Declaration Form annually. Issues highlighted may result in a referral to the Occupational Health Service.

The Driver Vehicle Licensing Agency (DVLA) sets minimum medical standards and rules for drivers, including conditions that must be reported to the DVLA. Staff with any of these conditions must also report them to their line manager.

The Gov.uk 'Check if you need to tell DVLA about a health condition', provides information on medical conditions and whether they need to be reported, and is available on the following link:-

- <https://www.gov.uk/health-conditions-and-driving>

Or check with the Driver and Vehicle Licensing Agency, DVLA, on 0300 790 6806

Eyesight

All drivers have a legal duty to satisfy the eyesight requirements in the Highway Code (read a vehicle number plate, in good daylight, from a distance of 20 meters (or 20.5 meters where the old style number plate is used)) and are therefore personally responsible for ensuring that their eyesight meets these requirements.

If drivers need to wear glasses (or contact lenses) to do this, they **MUST** be worn at all times while driving.

Alcohol, Medication and Recreational / Illicit Drugs

Staff have personal responsibility to ensure that they are fit to drive and are not under the adverse influence of any medication, other drugs or alcohol and are not permitted at any time to do so whilst under the influence of drugs or alcohol.

Staff taking prescribed or over the counter medication should check with their doctor or pharmacist if the drugs they are taking for medical reasons will affect their ability to drive safely. Where driving is likely to be affected, this should be reported to line managers.

The use of recreational / illicit drugs and / or alcohol during work hours is not permitted. All workers likely to drive should also be aware that consumption of drugs/alcohol outside work hours may affect their ability to drive safely the following day and may also leave them outside the legal drink drive limit. If a driver is unsure whether they are safe or legal to drive then they should not drive.

Managers at all levels **must** ensure that all incidents are reported in accordance with current policy/procedures.

Should an employee be charged with a drink / drugs driving related offence they must report it to their line manager immediately or at the earliest opportunity. Employees who are convicted of such offences, and / or who have their licence suspended must report it to their line manager immediately or at the earliest opportunity. They may also be subject to disciplinary action in line with the disciplinary procedure.

Deterioration in Driving Performance

Managers must investigate complaints or reports relating to poor driving and assess the risk to the person and others, to establish the need for further action (for example training; preclusion from driving activities etc.)

Managers must monitor vehicle incidents. Where a company vehicle driver has **two** incidents within a 12 month period, for which they are at fault, Senior Management will assess the suitability of their driving for business, especially when transporting the people we support.

11 JOURNEY PLANNING

All managers must make sure work-related journeys are properly planned and scheduled, taking account of adequate time, breaks, driver fatigue and weather conditions. This includes planning work duties so that staff have sufficient time to drive safely within speed limits, and with adequate rest periods to reduce the risk of driver fatigue and tiredness.

Additional information relating to this is to be found in the document '**Driving at Work – Advice and Guidance Document**'.

12 SEVERE WEATHER CONDITIONS

In extreme bad weather, only journeys which are absolutely necessary should be made and staff should not be required to drive as part of their work in hazardous conditions such as heavy snow/blizzard condition; torrential rain or thick fog.

Contingency planning should include procedures to prepare for extreme weather e.g. ensuring adequate supplies are sourced; measures for staff in mid-journey and faced with extreme weather conditions.

Where journeys are absolutely necessary and cannot be avoided it is essential to adequately prepare for the journey. In winter managers should regularly check weather forecasts to ensure that relevant preparations can be made. Additional information relating to this is to be found in the document ‘**Driving at Work – Advice and Guidance Document**’.

13 TELEMATIC BOXES

Research has shown that this telegraphic boxes fitted to vehicles can significantly reduce vehicle accident rates, levels of risky driving, and fuel and accident costs. It can be used to help inform risk assessments of either drivers or journey risks. It can be used in investigations following crashes and incidents.

In-vehicle telematics are used to help to monitor and improve staff’s driving. This technology enables accurate information about a person’s driving to be collected, and enables the driving behaviour of an individual or groups of drivers to be analysed to identify strengths and weaknesses, crash risk and to create personalised feedback.

Therefore in order to help manage the risks from driving, telematics boxes are fitted to some company vehicles, with the aim of:

- Supporting the company in its duty of care to its employees and the young people in our care;
- Monitoring the use of company vehicles to make fleet management more efficient and cost effective;
- Ensuring employees drive safely and comply with speed restrictions and the company’s Driving Policy;
- Providing a recorded journey history. Real time information regarding the location of the vehicle is essential and can be viewed at any time and used to monitor locations, driving speeds and distances covered;
- Supporting the reduction of running costs by specifically targeting those who speed and waste fuel, and also supports the reduction of accidents;
- Helping to protect employees from false claims made by the public or other road users, which may aid in reducing 3rd party claims and lower insurance premiums;
- Aiding the reduction of wear and tear on the vehicles, thus reducing maintenance costs;
- Enhancing the security of vehicles as the whereabouts of the vehicle is known at all times;
- Managers being able to access real time information as they may require the support of tracking devices to respond to service demands.

Where a breach of this policy has occurred, the information from the telematic devices may be used as supporting evidence if disciplinary action is considered necessary.

14 MOBILE TELEPHONES

It is illegal to use a hand-held mobile phone while driving or riding a motorcycle. It is also an offence to “cause or permit” a driver to use a hand-held mobile phone while driving. Therefore other employees can be held liable as well as the individual driver if they require employees to use a hand-held phone while driving. Using a hands free phone while driving does not significantly reduce the risks. This is because the problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving.

Drivers still face prosecution for failing to have proper control of their vehicle if the hands-free phone is deemed to be a distraction. In the event of an accident, the use of any phone or similar device may justify charges of careless or dangerous driving.

The police are likely to check phone records when investigating fatal and serious crashes and determine if use of the phone contributed to the crash. A driver who is using a phone at the time of an accident will be considered as being distracted and therefore potentially responsible for the incident, even if they were using a suitable hands-free kit.

Research shows that drivers who use a mobile phone, whether hand-held or hands-free:

- Are much less aware of what's happening on the road around them;
- Fail to see road signs;
- Fail to maintain proper lane position and steady speed;
- Are more likely to 'tailgate' the vehicle in front;
- React more slowly and take longer to brake;
- Are more likely to enter unsafe gaps in traffic;
- Feel more stressed and frustrated.

With this in mind, it is the company policy is as follows:

Hand Held Mobile Phones

Employees driving on company business are **not permitted to use hand held mobile phones whilst driving**. Any employee found to be in contravention of this Policy will be subject to disciplinary action in line with the company disciplinary policy

Hands-Free Mobile Phones

The company **expects all drivers to avoid the use of such devices** and to switch the mobile phone off. The company expects all drivers to plan the journey to include time and places to stop for rest and refreshment and to return calls and check for messages.

15 HOURS OF WORK/DRIVING HOURS

Tiredness and falling asleep whilst driving is a significant cause of road accidents and incidents. To minimise the potential for these incidents drivers should plan realistic schedules, allowing sufficient time for rest breaks whilst driving, particularly during long journeys.

Hours spent driving for work activities should be included in the total daily hours worked and driving time should stay within reasonable limits in order to minimise the risk of driver fatigue. This however puts a certain amount of responsibility on individual members of staff to adhere to the provisions detailed within this policy and supporting advice and guidance.

Workload should be organised where possible to combine numerous tasks and overnight stays rather than make frequent journeys.

Breaks should be taken during journeys prior to feeling fatigued – as a minimum, a 15 minute break must be taken every 2 hours, and this is recommended by the Department of Transport. Where a driver is

driving and starts to feel drowsy they should stop their vehicle as soon as it is safe and take a rest break. It is the driver's responsibility to decide when to stop if feeling tired.

Where more than one member of staff is travelling, consideration should be given to sharing driving, provided there is adequate insurance cover.

16 TRANSPORTING OF PEOPLE WE SUPPORT

Responsible Managers must make sure all vehicles are fit for purpose regarding the individual needs of the people we support. The vehicle must have had an assessment of this carried out.

Staff are not permitted to drive service users' parents' vehicles unless they are a part of the Motability scheme and approval has been given and there is valid insurance cover.

To ensure safety when transporting the people we support and staff, additional areas for consideration include:

- The behavioural needs of the people we support, including the risk of physical aggression and distracting the driver and interactions with other people we support. These will influence seating arrangements in the vehicle and the type of vehicle used;
- Medical needs of the people we support;
- physical requirements for transferring the people we support in / out of vehicles;
- The securing of the people we support in vehicles either in the vehicle seat or in a wheelchair
- The staff/ person supported ratio;
- Emergency procedures documented for responding to a serious incident such as a motor vehicle accident.

In order to safeguard our staff, the people we support and other road users, risk assessments for the people we support must include the likelihood as to whether the driver could be subjected to physical aggression from the people we support whilst out in the vehicle. If this is foreseeable especially when the vehicle is in motion, the vehicle should be of such design where the people we support are unable to make contact with the driver.

This can be achieved by seating the person where the driver cannot be reached (this should be included in the person's risk assessment) or by physical adaptations to the vehicle e.g. protective screens. If protection of the driver from physical aggression from the people we support cannot be assured, hence a safe system of work cannot be implemented then the person supported concerned must not be transported in the vehicle.

Employees must make sure that:

- Seat belts are worn and adjusted appropriately;
- Head restraints are adjusted appropriately;
- Child seats, harnesses or wheel chair harnesses are used and fitted correctly – where required;
- Any protective devices e.g. screens are in place.

For any additional information, please refer to any local service based policies.

Use of Car Seats / Booster Seats

The child car seat must:

- Conform to the United Nations standard, ECE Regulation 44.04 (or R 44.03) or to the new i-size regulation, R129. Look for the 'E' mark label on the seat;
- Be suitable for the child's weight and size;
- Be correctly fitted according to the manufacturer's instructions.

Children must normally use a child car seat until they're 12 years old or 135 centimetres tall, whichever comes first, therefore drivers must ensure children under 135cm in height or aged 12 use a car seat.

Children over 12 or more than 135cm tall must wear a seat belt.

Child car seats are based on either the child's height or weight – see link below:

<https://www.gov.uk/child-car-seats-the-rules>

A child can travel without a child car seat in some circumstances. See link below for details of when this is permissible:

<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>

If the child travels in more than one vehicle, check the car seat fits each car so it can be moved between them each time they travel.

17 RECORD OF JOURNEY DETAILS

The Registered / Service Managers, Head Teachers etc. must ensure systems and procedures are in place which can identify and record:

- Vehicle driver
- Date of journey
- Destination
- Number of miles travelled

These are required to evidence due diligence in the event of insurance claims, driving prosecutions, fixed penalties, parking tickets and fuel theft. Drivers must complete the records of journey details e.g. company car log book before and after every journey. Failure to complete this may result in disciplinary action being taken.

18 SMOKING

The company has a duty under the Health Act 2006 and associated regulations to ensure that smoking is prohibited in virtually all enclosed or substantially enclosed public places and workplaces at all times (this includes vehicles).

Drivers of any vehicle on company business must therefore not smoke inside the vehicle during or outside working hours to avoid exposure to smoke and residues by other workers on business journeys. Smoking

is not permitted in any company vehicle even if the vehicle is used solely by one person. This includes the use of electronic cigarettes – commonly referred to as “vaping”.

Where the vehicle is going to be used by more than one person then it should display no smoking signs in the passenger compartment. The logo on the sticker should be at least 70mm in diameter.

19 SECURITY OF VEHICLES

Drivers are responsible for the security of the vehicle at all times. It is essential the vehicle is locked and all security devices are activated when left unattended. Where a vehicle is to be parked for a long period, well-lit and manned car parks should be utilised wherever possible. Keys should not be left in the vehicle when unattended, even for short periods of time. At no time must the vehicle be left with the engine running when the driver is not in the driver’s seat.

Wherever possible goods that belong to the company should not be left in the vehicle. When this cannot be avoided they should be left in the locked boot, not on view. In the event that any of the company possessions are stolen from the vehicle, it should be reported to the Registered/Service Manager who will determine if a claim should be raised.

20 ACCIDENTS / INCIDENTS AND OTHER DAMAGE

Road Traffic Accidents

Any incident involving vehicles on the public highway resulting in personal injury must be reported to the Police within 24 hours – this is a legal duty. In the event of the Police considering it unnecessary to attend the scene you should ensure they record the accident being reported to them.

After any incident you must provide your name, contact details and vehicle registration number to the other driver involved and you should collect the same information from them. Collect insurance information at the same time, or as soon as possible afterwards. All company vehicle accidents must be reported to line managers and recorded through the company electronic accident reporting system as soon as practically possible following the occurrence.

Staff must follow the guidance given to them by their line manager or other responsible manager. Drivers of privately owned vehicles must report such incidents to their insurance company and inform their line manager. Managers must complete the Company Motor Vehicle Claim Form where required.

Further information to consider in the event of a vehicle road traffic accident is provided in the supplementary document – Actions to take following a road traffic accident.

Other damage caused to vehicle

The Company invests in providing quality vehicles that are appropriate to the service and the intended use. The driver is responsible for reporting any damage caused by either driving or by the people we support, to their line manager.

It is recognised that the people we support will inevitably cause damage to company vehicles, however, all staff have a joint responsibility for ensuring that vehicles are treated and cared for in a responsible and professional manner which includes:

- Taking care to avoid damage by driving to the road conditions;
- Encouraging the people we support not to leave litter or other mess in the vehicle;
- Leaving the vehicle in a clean condition ready for the next person;
- Taking pride and ownership of the vehicle and encouraging others to do the same.

Note that large objects left rolling around the floor could result in an accident if they entered the driver's foot well and pedal area therefore these must be secured whilst the vehicle is in motion and removed at the end of the journey.

21 INFORMATION AND TRAINING

Vehicle Induction / familiarisation

Drivers must ensure they are familiar with vehicle controls prior to taking a vehicle out on the road, therefore, all new staff will be offered an opportunity to go through a vehicle familiarisation session, if applicable to their role, following which, a Vehicle Familiarisation Record must be completed and kept on file. Drivers who are unsure regarding any aspect of vehicle controls should seek support from their line manager.

Additional Training

Additional training may also be required depending on the employee's duties, to include:

- Transporting children/service users
- Securing wheelchair users and their chairs
- DVSA approved Passenger Carrying Vehicle (PCV) minibus driver course
- Safe loading of vehicles (including vans or flatbed vehicles etc)

A record of the employee's training must be kept in their Personal File.

22 VEHICLE MAINTENANCE

It is an offence under road traffic law to cause or permit a person to drive a vehicle that is in a dangerous condition. It is also a requirement of other statutory bodies e.g. Ofsted and CQC that vehicles used for transporting the people we support are regularly maintained and records kept.

Drivers of privately owned vehicles are responsible for all costs involved with operating and maintaining privately owned cars used for company business.

Employees using 'pool vehicles' must leave the vehicle in a clean and usable condition after use and report any maintenance issues to their manager/property manager/other responsible manager.

Vehicles owned by the company shall be subject to the following servicing, maintenance and inspection regime:

- Servicing in accordance with vehicle manufacturer’s schedules;
- Annual MOT (V class) after the vehicle’s first year of registration (9 to 16 passenger seat minibuses);
- Annual MOT after the vehicle’s third year of registration (cars and small minibuses);
- Pre-journey visual checks carried out by the driver; to include tyres, lights/indicators, mirrors, wipers, vehicle cleanliness, emergency equipment and suitability and safety for the journeys of each of the people we support;
- Weekly documented vehicle checks;
- Other periodic vehicle audits deemed necessary by operation management.

Vehicle Checks

The driver has primary responsibility for the operation of any vehicle and must be satisfied that the vehicle is fit for its purpose and roadworthy. Compliance with this requirement can be sensibly achieved by managers ensuring that periodic maintenance checks are carried out on the vehicles allotted to their site.

Checks should include monitoring of fluid levels (oil, coolant and screen wash) and tyre pressures. These checks shall be carried out at weekly intervals and be recorded on the Vehicle Weekly Check Record. It is the driver’s responsibility to ensure that the record of weekly checks is up to date prior to driving, and then to undertake their own driver basic safety checks and adjustments, see document ‘**Driving at Work – Maintenance Checks**’. This document only outlines the minimum requirements for safety checks; some vehicles may require additional checks such as inspection of vehicle tail-lifts, safety signage, and safety equipment such as reversing alarms.

Vehicle Servicing and Maintenance / repairs

Vehicle servicing and maintenance / repairs should only be conducted by a competent person. The manufacturers’ recommended service intervals and warranties should be adhered to which will ensure so far as reasonably practicable the on-going safety of the vehicle.

The maintenance schedule must also include the MOT test (3 yearly or annual). A maintenance log must be kept up to date for each vehicle containing all information relating to that vehicle. It is recommended that service records are kept for at least 3 years.

Servicing, maintenance / repairs should be organised in accordance with local procedures/arrangements in respect of who organises the arrangements e.g. Property/other responsible Managers; Registered / Operations Managers; drivers themselves. Drivers of personal issue company vehicles are required to organise servicing maintenance and repairs themselves although the costs will normally be reimbursed by the company.

Vehicle filled with wrong fuel type

If a vehicle has been filled with the wrong fuel type then the ignition / engine must not be started as this will circulate the contaminated fuel and increase the risk of expensive damage. It is entirely at the company’s discretion if the driver will be charged for costs associated with this.

Cleaning

The vehicle should be cleaned internally and externally to project the best possible image. Automatic car washes can cause damage and micro scratching which damages appearance, so hand or jet washing is recommended.

Vehicle Breakdown

The Company arranges breakdown cover for company vehicles and details will be supplied Head Office. In addition, most new vehicles are covered for the first year by a breakdown service arranged by the manufacturer. In the event of a breakdown drivers should call the number provided in the relevant documentations and follow the advice provided in the document **'Driving at Work – Advice and Guidance**.

23 MOBILITY VEHICLES

The Motability Scheme enables disabled people to lease a new car, scooter or powered wheelchair in order to support them to access the community, by exchanging their government funded mobility allowance. Individuals receiving either the Higher Rate Mobility Component of Disability Living Allowance (HRMC DLA), or the Enhanced Rate of the Mobility Component of Personal Independence Payments (ERMC PIP) may be eligible to join the Motability Scheme.

The following is usually included in the package:

- A new car, scooter or powered wheelchair every three years
- Insurance from RSA Motability (RSAM)
- Breakdown assistance
- Servicing, including tyres, maintenance and repairs

(see <http://www.motability.co.uk/> for further details).

For people we support who have a vehicle provided through this scheme the following are covered as part of the scheme and are therefore subject to localised arrangements via local site managers and Motability; therefore the sections of this Policy relating to these issues are not applicable to Motability vehicles:-

- Insurance
- Breakdown cover/assistance
- Maintenance and repair

All other elements of the policy are however valid in these circumstances (for example vehicle pre-journey and weekly checks etc.)

24 MONITORING AND REVIEW

Monitoring of aspects of this policy will be as follows:-

- The frequency of driver's documents checked annually.
- Declarations of compliance with this Policy will be made via expenses claim forms.
- Insurance and MOT certificate checks will be carried out annually.

This policy will be reviewed at not less than two yearly unless changing circumstances require an earlier review.

25 OTHER ISSUES

For issues relating to the following, please see document – ‘**Driving at Work Supplementary Information, Advice and Guidance**’ this details:

- Employees taking pool vehicles home;
- Vehicle Loading;
- Hired Vehicles; and
- Overseas Use.