



HEALTH AND SAFETY GUIDANCE DOCUMENT

DRIVING ON COUNCIL BUSINESS USING VEHICLES THAT ARE NOT COUNCIL OWNED, LEASED OR HIRED

(REFERENCE MUST BE MADE TO THE COUNCIL'S
'DRIVING ON COUNCIL BUSINESS POLICY'
WHEN USING COUNCIL OWNED, LEASED OR HIRED VEHICLES)

Mae'r ddogfen yma ar gael yn y Gymraeg
This document is available in Welsh



Introduction

References to employees driving on Council business in this document include full and part time employees, temporary, agency and contract workers and volunteers.

This guidance document is aimed at employees who drive on Council business using vehicles that are not Council owned, leased or hired vehicles, whether it is their own vehicle, a vehicle they have leased or hired, a courtesy vehicle, or even someone else's vehicle that they may be using at the time, for example, a vehicle belonging to a family member or a friend that they have borrowed.

The Council has a *Driving on Council Business Policy* in relation to driving Council owned, leased and hired vehicles, which must be complied with by all employees who drive any such vehicle.

Driving on Council business includes every such instance where employees are driving for what are considered to be work purposes including, for example, where they first drive from home on Council business to some location other than their normal place of work and then go on to that normal place of work.

Driving on Council business will be the highest risk activity many employees undertake throughout their employment.

To minimise the risk of collisions and other road accidents and resulting injuries, the Council is committed to ensuring that all employees who drive on Council business do so in a safe way and in safe vehicles.

Vehicles

All vehicles must be fit for purpose, maintained in a safe and roadworthy condition and have an appropriate and valid MOT certificate, road tax and insurance cover, including Class 1 Business Use insurance to cover driving on Council business.

For vehicles other than Council owned, leased or hired vehicles, it is the responsibility of the employee to ensure that this is the case.

Managers

Managers should be aware of and inform employees that the 28 June 2022 saw the introduction into UK law of the offence of 'causing serious injury by careless driving'. This will mean that drivers who may previously have been punished by a fine and points on their licence for careless driving which caused serious injury, are now facing the very real prospect of a prison sentence and a lengthy disqualification from driving. It is to be noted that 'serious injury' means 'really serious bodily harm', and this includes a wide range of injuries, from life changing injuries to broken bones where a full recovery can be expected.

Driving which falls below the required standard is careless driving (Section 3ZA of the Road Traffic Act 1988). Momentary inattention, lack of concentration or avoidable distraction can amount to a driver being guilty of careless driving.

If it resulted in an accident, even using a phone on a hands-free kit could be considered to be an avoidable distraction, and the driver therefore found guilty of careless driving. As such, managers should instruct employees that they should only use such devices when it is essential to their duties, such as if they need to be able to be contacted at all times, and even then that they should keep their use to an absolute minimum. For example, they should instruct employees that if they receive a telephone call on such a device, they should advise the caller that they are driving and keep the conversation as brief as possible, or, if the call needs to be continued, advise them that they will call them back and then find a safe place to stop the vehicle in order to do so.

Managers should be aware that they could be liable in law if they instruct/agree to employees using their own vehicles or vehicles that employees have leased, hired or borrowed without carrying out the necessary and relevant checks.

Furthermore, managers are also responsible for ensuring that:

- in order to reduce the risks involved with driving, the impact on the environment and the cost to the Council, employees only drive when it is necessary to do so (for example, when the task cannot be carried out equally well using telephone, email or through written correspondence, employees travelling to the same destination using the same car and not all travelling individually, etc.);
- when it is necessary for employees to drive, any significant risks involved are identified and assessed and, where necessary, controls implemented (for example, assessing routes, where practicable eliminating reversing, allowing sufficient time to complete journeys safely and to take breaks on long journeys, etc.);
- they satisfy themselves that employees are sufficiently fit and healthy to drive safely and not put themselves or others at risk, including having suitable eyesight and wearing any necessary corrective eyesight appliances;
- they refer employees to the Occupational Health and Wellbeing Unit for assessment should they have any concerns over an employee's fitness, health or eyesight issues with regards to driving;
- employees are provided with all necessary information, instruction, supervision and training commensurate to their driving duties;
- employees are provided with any equipment determined as necessary commensurate to their duties whilst driving (for example, travel and motoring first aid kits, mobile telephones [e.g., for use in an emergency, but which are not to be used whilst actually driving a vehicle], etc.);
- employees are made aware of, given access to and informed that they must comply with all relevant Council policies (for example, *Driving on Council Business Policy*, Corporate Health and Safety Policies, such as *Alcohol and Substance Misuse Policy*, *Smoking in the Workplace Policy*);
- they remind employees that they must comply with the law and the Highway Code;

- they remind employees of their responsibility to ensure the vehicles they use for Council business are roadworthy and have a valid MOT and road tax, and that there is appropriate insurance cover in place, including Class 1 Business Use insurance to cover driving on Council business (see **Vehicles** above), and that they have a valid licence;
- they check employees' driving licences (photocard type licences are only valid for 10 years), insurance and MOTs, and that they input details into the Council's current online expenses system, as required (guidance on checks on employees' driving licences is available in the Council's *Driving on Council Business Policy*).

Employees

Employees must provide management with all necessary permission to carry out relevant checks to ensure that they are safe and fit, and it is legal for them to drive on Council business purposes.

Furthermore, in addition to ensuring that any of their own vehicles or any vehicles that they have leased, hired or borrowed are fit for purpose, maintained in a safe and roadworthy condition and have an appropriate and valid MOT certificate and road tax (see **Vehicles** above), employees are also responsible for ensuring that:

- they are sufficiently fit and healthy to drive safely and not put themselves or others at risk, including having suitable eyesight and wearing any necessary corrective eyesight appliances;
- they hold an appropriate driving licence for the vehicles they drive;
- they/the owners of the vehicles have the necessary insurance cover, including Class 1 Business Use insurance to cover driving on Council business;
- they comply with all relevant Council policies (for example, *Driving on Council Business Policy*, Corporate Health and Safety Policies, such as *Alcohol and Substance Misuse Policy*, *Smoking in the Workplace Policy*);
- they inform their manager of any health condition they have, including any eyesight problem, that may affect their ability to drive safely, and do not drive whilst so affected;
- they inform their manager as soon as possible if they have a road traffic accident, their licences are removed, or they face any prosecutions and/or penalties associated with driving, whether resulting from driving for work or on personal use;
- they immediately refrain from driving if they are disqualified, or deemed unfit to drive for any reason, and that they inform their manager accordingly;
- they do not drive at any time their judgement is impaired by the consumption of alcohol, medication (whether prescribed or over the counter) or illegal substances;

- they undertake daily vehicle defect checks to ensure the vehicle is safe to use (and when required to do so, complete daily driver vehicle defect forms) prior to using a vehicle;
- they wear a seatbelt in accordance with the requirements of the law;
- they drive within prescribed speed limits and in a safe manner;
- any long journeys are planned to allow adequate opportunity for any necessary rest breaks;
- any load is properly secured;
- they do not use smart phones, mobile phones or similar devices whilst driving (Whilst 'hands free' devices can be legal to use whilst driving, if using one resulted in an accident it could be considered to be an avoidable distraction and the driver found guilty of careless driving. Therefore, employees should only use such devices when it is essential to their duties, such as if they need to be able to be contacted at all times, and even then they should keep their use to an absolute minimum. For example, if they receive a telephone call on such a device, they should advise the caller that they are driving and keep the conversation as brief as possible, or, if the call needs to be continued, advise them that they will call them back and then find a safe place to stop the vehicle in order to do so.);
- they refrain from eating, drinking or any other activities that may distract their attention whilst driving;
- they do not carry any unauthorised passengers in the vehicle;
- they do not smoke – unless they are not carrying any passengers, and book out on a break for the duration of the time they smoke;
- they do not deviate from the business journey route and/or take time out to carry out private business, for example shopping, unless they deduct any additional mileage so incurred from their expenses claim and book out on a break for the duration of the time it takes to carry out that private business.