



MERSEYSIDE RECYCLING & WASTE AUTHORITY

DRIVING FOR WORK POLICY/PROCEDURE AND GUIDANCE

1. POLICY

1.1 Policy Statement

Driving for work is the most dangerous work activity that most people do. Up to a third of all road traffic accidents involve somebody who is at work at the time.

The Authority is committed to reducing the risks that our employees face and create when driving for work. Health and safety law applies to driving for work, regardless of ownership of the vehicle being used. The purpose of this policy is to establish arrangements to manage the risks of this work activity, to ensure that:

- People who 'drive for work' are qualified, insured and fit to drive
- All vehicles that are used for Authority business (regardless of ownership) conform to law, are safe and properly maintained, and are fit for purpose
- Managers assess and reduce the risks from driving. In these assessments, managers need to consider how the amount of driving can be reduced. This reduces our risks from driving, saves money and is consistent with the Authority's commitment to Climate Change.

1.2 Responsibility

Merseyside Waste Disposal Authority will:

- Assess the risks involved in their staff's use of the road for work and put in place all reasonably practicable measures to manage those risks.
- Ensure all staff who are required to drive any Authority vehicle completes, on each occasion, a Vehicle Safety Checklist before they commence driving duties.
- Provide training to all staff as part of the corporate training plan.
- Encourage the amount of driving for work purposes to be reduced as far as it practicable.
- Provides a suitable accident/incident reporting and investigation procedure.
- Recognise that it owes the same duty of care to staff that drive their own vehicles for work as they do to employees who drive leased or hired vehicles.
- Ensure that drivers who may need to drive 'off road vehicles' are trained and risk assessed in their duties.
- Ensure that its employees comply with the legal prohibition on using a hand-held telephone whilst driving. It will not allow the use of hands-free mobile phones and Bluetooth technology.
- Ensure that employees comply with the legal prohibition of No Smoking within Authority Vehicles.

- Observe requirements to monitor and regulate driver hours and performance.

2. PROCEDURE

2.1 Checking Documentation Procedure

For all essential and casual drivers who drive for work purposes, the Assistant Corporate Services Manager will perform annual checks of essential and casual car users' driving licence and insurance documentation. These checks will also be made when the user changes their vehicle during the year.

The licence and insurance documentation:

- a) Must be an original licence (a photocopy will not be acceptable).
- b) Must be in the form of both photocard (if held) and the paper counterpart, the details of which must match.
- c) Must be signed by the holder.
- d) Should show the correct name and address of the holder.
- e) Must have the correct entitlement for the type of vehicle to be driven.

A copy of the documentation will be taken and kept on file.

NB the insurance documentation must include appropriate cover for business use for vehicles being used by users on Authority business

2.2 Accidents and Reporting Procedure

The following instructions should be followed by employees involved in a motor accident but may be modified subject to circumstances and in particular any instructions from emergency services at the time:

In the event of a motor accident involving the employee's own vehicle whilst on Authority business:

- If the accident involves injury to any person, the police should be notified immediately.
- Follow your insurer's own advice in relation to procedures at the scene of an accident and notification of claims.
- Inform your line manager of the incident as soon as is practicable and provide information to the Corporate Services Manager who will liaise with the Authority's insurers where appropriate.

- Report the accident to the Assistant Corporate Services Manager who will ask you to complete an accident record and where appropriate report the incident under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Where an employee takes sick leave as a result of an accident, the sickness absence form should indicate that the incident was as a result of an accident at work.

In the event of a motor accident involving an Authority vehicle:

- If the accident involves injury to any person, the police should be notified immediately.
- If your vehicle is disabled, call the vehicle lease company or alternatively, the Corporate Services Manager who will advise on the process for arranging recovery through the Authority's insurer.
- Where the accident involves another vehicle, gather the following information:
 1. Exchange names, addresses and insurance particulars, including policy numbers**, of all other parties involved.
 2. Ensure you have taken a note of the make, model and registration number of the other vehicle(s) involved in the accident.
 3. Try to obtain the names and addresses of as many witnesses as possible.
 4. Note the names of the roads at the scene of the accident.
- If it is safe and appropriate to do so, take photographs of the accident scene where possible, including damage to vehicles.
- As soon as is practicable, inform your line manager of the incident and the Corporate Services Manager who will report the accident to the Authority's insurers.
- Report the accident to the Assistant Corporate Services Manager who will ask you to complete an accident record and where appropriate report the incident under the RIDDOR regulations.
- Where an employee takes sick leave as a result of the accident, the sickness absence form should indicate that the incident was as a result of an accident at work.

** Staff using Authority vehicles should make sure that they have a record of the Authority's insurance details available in case of an accident. Please be aware that policies are renewed annually on 1st April and therefore are subject to change.

2.3 Use of Mobile phones in Vehicles

The Authority insists that its employees comply with the legal prohibition on using hand-held technology whilst driving.

It will also not allow the use of hands-free mobile phones and Bluetooth whilst driving. The driver must never initiate a phone call whilst driving, or use it for texting.

The legal position regarding the use of hands-free phones while driving states:

*'It is allowed in law, but discouraged by safety organisations.'**

This is because evidence shows that using a hands-free phone while driving affects the driver's concentration.

This could cause the driver to be charged with 'failing to have proper control of their vehicle'. In more serious cases, the use of any type of mobile phone could result in prosecution for careless or dangerous driving.

The Police may check phone records when investigating fatal and serious collisions to determine if use of the phone contributed to the crash. If it is found to have contributed, and the driver was driving for work at the time, then it is possible that the Authority could be prosecuted. Claims in the civil courts could also result.

**ROSPA, road safety organisation*

2.4 Review and Monitoring

The Chief Executive in conjunction with the Assistant Corporate Services Manager will monitor the Policy ensure there is consistency in the implementation of the policy.

It will also be necessary to review the policy in line with any future legislation or health and safety advice.

3 GUIDANCE

3.1 The Law and the Authority's Duty of Care

People driving for work are considered to be undertaking a work activity, this includes essential car users travelling to and from work and during the course of their duties and, casual users who are required to travel to site or meetings. It also covers drivers, both casual and essential, who are required to travel to a training/meeting venue. The vehicle they are driving, regardless of ownership, is regarded as a place of work.

This means that the Authority owes the same duty of care to staff that drive their own vehicle for work as it does to employees who drive leased or hired vehicles.

If an employee drives negligently or drives a defective vehicle whilst on Authority business, then the Authority could be liable for criminal or civil action, regardless of whether the employee is driving their own car or a hire car.

The Road Traffic Act 1991 requires employers to not cause or permit their employees to break any road traffic laws. For example, an employer could be liable if it can be proved that an unrealistic deadline had contributed to an employee breaking the speed limit when on company business.

It is an offence to cause or permit anyone to drive a vehicle other than in accordance with a driving licence for that class of vehicle (Section 87 of the Road Traffic Act 1988). The Authority could be therefore breaching this law if it fails to make reasonable checks that anybody driving on its behalf has a valid licence.

The Department of Transport explains this responsibility:

“In the event of a worst-case scenario, where a fatal incident has occurred involving an employee without a valid licence, the employer would be required to provide evidence of the policies and procedures in place to try and prevent such an occurrence. A poor policy or substandard implementation could lead to an element of responsibility falling on the company or its relevant managers/directors under Duty of Care obligations.

The best defence is, therefore, a robust and well-managed policy, which checks that all employees hold a valid licence and are eligible to drive the vehicles being used for company business. Such an approach should protect the company and its managers/directors, should the worst happen.”

Case law makes it clear that the employer’s liability can be minimised where they can demonstrate robust policies regarding driving at work in place.

3.2 Assessing the Risk

As with any other work activity, driving for work needs to be risk assessed. If the risks are significant, then measures are needed to reduce these risks. Some important measures we need to consider are:

a) Can we drive less?

This is a key way to reduce risks. It will also save money and reduce our impact upon the environment. It is also consistent with our commitment to the Nottingham Declaration on Climate Change, to which the Authority has signed. This states that we:

*“Publicly declare . . . the commitment to achieve a significant reduction of greenhouse gas emissions from our own authority’s operations especially energy sourcing and use, **travel and transport**, waste production and disposal and the purchasing of goods and services.”*

Question to ask include:

- Are all journeys absolutely necessary?
- Could alternative means of communications be used?
- Can the distances driven be reduced?
- When planning any event, is it reachable by public transport?

b) Can we improve how work affects how we drive?

The Authority can be liable in a court if it is found that the pressures of work (such as unrealistic schedules) contributed to a collision where the driver was breaking the speed limit or driving recklessly.

We should ensure that drivers are not encouraged to drive in a rush. This could be remedied by allowing adequate time for their journey and by reminding drivers that they have a duty to comply with the Highway Code and thus they should never break speed limits.

c) Is personal safety an issue?

Driving for work is often a 'lone working' activity. However, this need not be a problem as long as the driver takes sensible precautions.

Emergency situations should be considered. The Authority will issue first aid equipment and a mobile phone (for emergency situations) to those staff who are required to drive Authority vehicles. (Although you must not use the mobile phone whilst driving)

Consider completing a lone working risk assessment using the appropriate documentation.

3.3 Drugs and Alcohol

Alcoholic drinks must be avoided if you are driving. Alcohol impairs judgment, making drivers over-confident and more likely to take risks. It slows their reactions, increases stopping distances, affects judgement of speed and distance and reduces the field of vision.

Even a small amount, well below the legal limit, seriously affects the ability to drive safely.

It is often police policy to routinely breathalyse individuals that have been involved in accidents, even minor one that may not have been their fault.

Some of the things you need to consider are:

Morning After – you need to consider the levels of any alcohol consumed the night before when planning to drive the next day, particularly if you have an early start. As it takes several hours for alcohol to disappear from the body, someone who has been drinking late the previous evening could easily still be over the limit on their way to work the next morning.

Medicines and Drugs – Driving while unfit through drugs, whether illegal or prescribed or over the counter medicines, is an offence that carries the same penalties as drink driving. The Police can, and do, conduct roadside tests to help them assess whether a driver may be impaired. If you are taking any drugs which may impact on your driving ability, you **must** inform your Line Manager.

Medication – For many medications it is difficult to predict whether, how, when and for how long they will affect a person's ability to drive. A driver may not even notice that they have been impaired until it is too late. Many over the counter medicines including remedies for cough, colds and flu, cause unwanted drowsiness which might impair driving. Warnings about drowsiness are not always clear so, for example, if the label says "may cause drowsiness", assume that it will do so.

Illegal Drugs – Drugs can affect a driver's behaviour and body in a variety of ways. The taking of all class A, B, C drugs are illegal. The message is clear in relation to taking drugs and driving – Don't.

NB Employees should also refer to the Authority's Policy on Alcohol and Drug Misuse, which makes it clear that employees should not be under the influence of alcohol or drugs at work. The Policy also provides a reference point for any employee who may have a dependency on Alcohol and / or drugs.