

Driving at Work Policy

1. Summary

- 1.1. Driving at work is one of the most dangerous activities most people do. Around 25% of road collision fatalities involve vehicles being driven for work purposes.
- 1.2. SHAL is committed to reducing the risks that our employees face and create when driving for work. The purpose of this policy is to ensure that adequate controls are in place to manage work-related road safety effectively and to protect both SHAL and the employee.

2. Objectives

- 2.1. This Policy aims to establish arrangements to manage the risk in relation to driving at work, to ensure that:
- 2.2. People who 'Drive at Work' are qualified, insured and fit to drive;
- 2.3. All vehicles that are used for SHAL business (regardless of ownership) conform to the law, are safe and properly maintained and are fit for purpose;
- 2.4. People do not break the law by making or receiving calls on handheld mobile phones whilst driving.

3. Details

3.1. Business Driving

- 3.1.1. This is any driving activity undertaken during the course of work whether in an employee's own vehicle, a vehicle owned by SHAL or another vehicle. Examples of business driving include but are not limited to driving to training courses, attending meetings, any professional visits including in the community. It excludes commuting to and from a usual place of work but includes travelling to a location that is not a usual place of work.
- 3.1.2. Business class or business use insurance is motor insurance that covers the insured to drive for business purposes. SHAL employees are

required to pay for this wherever they undertake business driving.

There are various clauses included within business insurance and the driver must ensure they have the correct level of cover.

3.1.3. A copy of the insurance is requested annually by the Finance Team and held on our system as proof of compliance.

3.2. SHAL will:

3.2.1. Assess the risks involved in its employees use of the road for work and put in place all reasonably practicable measures to manage those risks.

3.2.2. Request annually from employees who drive for business copies of their insurance, MOT and driving licence.

3.3. Managers will:

3.3.1. Lead by example by both ensuring that their own vehicle is always in a safe condition and by not tolerating poor driving practice amongst other colleagues.

3.3.2. Ensure staff are aware it is illegal to use mobile phones whilst driving on SHAL business and provide a copy of this policy both at Induction and upload it to BreatheHR.

3.3.3. Investigate any road incident or accident involving a member of staff who was driving on work business, and ensure it is reported to the Health and Safety Committee and recorded on the Accident/Incident Form.

3.3.4. Employees (including agency staff and volunteers) who drive at work will:

3.3.5. Familiarise themselves with and comply with the Highway Code

3.3.6. Hold a full current driving licence for the class of vehicle being driven, and present this to their manager annually if using their personal vehicle for business

3.3.7. Provide the vehicles MOT certificate and a Certificate of Motor Insurance to their Manager annually

- 3.3.8. Ensure their vehicle is taxed and has a valid MOT
- 3.3.9. Ensure their motor insurance policy includes business cover use for the amount and type of business mileage they undertake
- 3.3.10. Ensure that the vehicle is serviced in line with the manufacturer’s recommendations
- 3.3.11. Drive safely and appropriately whilst on business, including:
 - a Checking the safe operation of the vehicle prior to its use;
 - b Never use handheld mobile phones whilst driving;
 - c Ensuring that they and any passengers wear seatbelts;
 - d Not drive whilst their judgement and/ or physical ability is impaired by illness, tiredness, medicine or the use of alcohol or drugs;
 - e Not put themselves at undue risk e.g. if the weather badly deteriorates, it is acceptable to cease a journey as soon as they can and wait until it subsides;
 - f Plan journeys and allow a realistic travelling time;
 - g Understand that, even if driving their own vehicle for work, they are at work and so must comply with policies and procedures;
 - h Refrain from driving immediately if they are disqualified;
 - i Ensure that their eyesight is appropriate for driving by having their eyes tested as necessary and ensuring that any necessary corrective eyewear is worn;
 - j Co-operate with monitoring, reporting and investigation procedures.
 - k Ensure your Vehicle is not overloaded, ensure any load is within the permitted loads for your vehicle, for example, Citroen Dispatch 1400KG
 - l If your vehicle is fitted with a Roof Rack, ensure it is fixed securely and all articles are tied securely.

3.3.12. Report to their Manager:

- a Any collisions that occur whilst driving for work
- b As soon as they become aware of any proceedings or action against them following a road offence that may result in a conviction or endorsement
- c Any health issues which may affect their ability to drive

3.3.13. Convictions

- a If any member of staff has any existing driving convictions, they should advise their Manager. This information will remain confidential.
- b If a member of staff receives a conviction whilst carrying out their duties, they should inform their Manager immediately.
- c Staff should ensure their insurance company are updated if they receive any convictions or endorsements.

3.3.14. Accidents

- a All collisions that occur while driving at work should be reported to a Manager. The Manager will complete the Driving at Work Incident Form and refer this to the Health and Safety Committee.

3.4. SHAL's duty of care

3.4.1. People driving for work are considered to be undertaking a work activity. The vehicle they are driving, regardless of ownership is considered a place of work. This means that SHAL has a duty of care.

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

3.4.3. 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 proven that unrealistic deadlines

had contributed to an employee breaking the speed limit when on company business.

- 3.4.4. 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).
- 3.4.5. SHAL could therefore be breaching this law if it fails to make reasonable checks that anyone driving on its behalf has a valid licence. The Department of Transport explains this responsibility:
 - a 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.
 - b A poor policy or substandard implementation could lead to an element of responsibility falling on the company or its relevant Managers/Directors under its duty of care obligations.
 - c 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 vehicle being used for company business.
 - d Such an approach should protect the company and its Managers/Directors, should the worst occur.

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

- 3.5.1. Using your private car for work - Car allowance
 - a SHAL may at its absolute discretion permit eligible employees to use their own private vehicle for the performance of their duties. The Senior Management Team will determine, based on the criteria set out below in this policy whether a SHAL employee who uses their own car for work related matters is to be classed as a casual or essential car driver.

- b A casual car driver is determined by whether an employee can complete all tasks associated with their role without the use of a car but may from time to time use their car for work purposes.
- c An essential car driver is determined by whether an employee cannot complete all tasks associated with their role without the use of a car.
- d Eligible employees can receive allowance payments that enable the use of their own car.

3.5.2. A casual car driver shall receive:

- a *The Casual User is entitled to claim fuel costs at HMRC approved rates.* Aside from fuel costs, the employee is responsible for all other expenses associated with the car.

3.5.3. An essential car driver shall receive:

- a An agreed sum per year alongside their normal salary, fuel costs at HMRC approved rates. Aside from fuel costs, the employee is responsible for all other expenses associated with the car.

3.5.4. To be eligible, the following needs to apply:

- a The employee must hold a full driving license valid in the UK
- b The employee must be filling a role requiring a company car
- c The employee must be the registered keeper of an appropriate car (see below)
- d The car must be readily available for business use

3.5.5. All vehicles must be insured for business use and employees must provide the insurance policy for inspection at any time requested by the Company. Cars must be serviced regularly, kept clean on the inside and outside and must have no unsightly damage or rust.

3.5.6. Employees should be aware that the allowance will be subject to normal deductions as if it were part of normal salary.

3.5.7. This allowance will cease if the employee's job alters in such a way that the Company deems they no longer require the use of a car. It will also be increased or decreased if the new role entitles them to become an essential or casual car user.

3.6. Vehicle Tracking

3.6.1. Global Positioning System (GPS) is a technology that receives location information about a vehicle. A telematics device records further behavioral information, such as speed and distance travelled, to build a greater understanding of how a vehicle is being used.

3.6.2. SHAL aims for full transparency regarding its use of tracking devices. Any further queries about vehicle tracking should be directed at their Manager.

3.7. Use of tracking technology

3.7.1. A GPS and telematics device is installed in all of the SHAL's vehicles. The tracking device will be in constant use.

3.7.2. The type of technology used by SHAL captures:

- a vehicle location;
- b speed;
- c routes taken;
- d distance covered;
- e time spent driving;
- f instances of hard braking; and
- g idle time.
- h This list may be expanded in the future.

3.7.3. SHAL collects this data to:

- a ensure legal compliance;
- b optimise operational efficiencies;
- c reduce the risk of theft;
- d help prevent accidents;

- e comply with insurance requirements;
- f ensure compliance with the Working Time Regulations 1998;
- g improve customer experience
- h enhance performance and productivity

3.8. Employees are responsible for ensuring that the telematics device is not damaged and for reporting any concerns to their Manager. Employees found to have tampered with SHAL’s vehicle tracking devices will face disciplinary proceedings. Any employee found to have breached this policy will be notified as soon as possible and given the opportunity to respond to any allegations in line with SHAL’s disciplinary procedure.

3.9. Collection and storage

3.9.1. Data is collected and stored in line with the UK General Data Protection Regulation and will not be shared with third parties, except for insurance reasons or other legitimate business purposes.

3.9.2. The device sits in each of the organisation's vehicles and data will be constantly recorded and checked. Data will be kept for insurance reasons and other legitimate business purposes. It may also be necessary to retain data if it is being used as evidence in disciplinary proceedings.

3.9.3. However, in the event that the police request information on an employee for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders, SHAL is required to supply it.

3.9.4. Workers have the right to make a subject access request if they wish to gain access to data stored in relation to them. If you want to make a request, please send the request to your Manager.

3.10. Impact assessment

3.10.1. The organisation has carried out a data protection impact assessment to determine the necessity and proportionality of tracking its vehicles.

3.11. Driving licences

3.11.1. Since 8 June 2015 the paper counterpart to the photocard driving licence is not valid and no longer issued by the DVLA.

3.11.2. The counterpart was introduced to display driving licence details that could not be included on the photocard. These details include some vehicle categories the licence holder is entitled to drive and any endorsements/ penalty points.

3.11.3. If staff still hold an existing paper counterpart, since 8 June 2015 it no longer has any legal status.

3.11.4. Paper driving licences issued prior to the photocard driving licences in 1998 remain valid and should not be destroyed.

3.12. Penalty Points (endorsements)

3.12.1. The DVLA has a 'view driving licence service' that enables you to see what details are on your licence, including what vehicles you can drive and any penalty points or endorsements you may have.

3.13. Viewing and sharing your driving licence information

3.13.1. You can use this service to:

- a View your driving record e.g. vehicles you can drive
- b Create a licence 'check code' to share your driving record with someone e.g. your employer

3.13.2. Confirming your driving record to your employer

- a All SHAL staff who drive at work will need to provide evidence of their driving record annually to their Manager.
- b This can be done online for free by accessing the DVLA's 'share driving licence' service. This service should be used by both photocard and paper driving licence holders. Staff should provide their Manager with the 'Check Code' so they can view the driving licence details.

- c If this 'check code' cannot be generated online, call the DVLA on 03000830013 and they will provide the code.
- d The 'check code' will be valid for 21 days to allow someone to see:
 - What vehicles can be driven
 - Any penalty points or disqualifications
 - The last 8 characters of the driving licence number

3.13.3. It is a criminal offence to obtain someone else's personal information without their permission. By 'sharing' this information and providing a Manager with the 'check code', the Manager has authorisation to seek the information.

3.14. Provision of information by drivers

3.14.1. Drivers are required to provide information upon request to their employer about their driving licence (S. 172 of the Road Traffic Act).

3.14.2. For all drivers, Managers need to undertake annual visual checks of driving licences, insurance details to check for business use cover, and a valid MOT where needed. In addition, Managers will need access to the online checking service detailed above. Information will be recorded using the Driver and Vehicle Assessment Form.

3.14.3. Failure to complete the documentation within the required timeframe may result in mileage claims being withheld until the required completed and signed documentation is received.

3.14.4. Completed forms should be saved onto the employees Breathe HR file.

3.14.5. Use of mobile phones in vehicles

3.14.6. SHAL insists that its employees comply with the legal prohibition on using a hand-held telephone whilst driving.

3.14.7. Handsfree/ Bluetooth technology should be used with the greatest care and automated pre-programmed dialling should be used.

3.14.8. Mobile phone conversations should only take place when traffic conditions make it safe to do so. If it is not safe, calls should be ignored or terminated. It is preferable for calls to be answered by the answerphone function and replied to when the driver has reached their destination.

3.15. Assessing the risk

3.15.1. As with any other work activity, driving for work needs to be risk assessed. If the risks are significant then measures must be put in place to reduce these risks.

3.15.2. The Driver and Vehicle Assessment Form acts as a basic risk assessment.

4. Outcomes

4.1. Using your own vehicle for work purposes

4.1.1. All staff will ensure they drive safely whilst on SHAL business and will report any issues to their line manager immediately.

4.1.2. All staff who drive for business will provide copies of their car insurance, MOT and driving licence annually, copies of which will be held on file.

4.2. Using Vehicles belonging to SHAL for work purposes

4.2.1. All vehicles belonging to SHAL are installed with trackers to monitor speed.

4.2.2. All vehicles belonging to SHAL are fitted with parking sensors to mitigate any damage caused by parking the vehicle.

4.2.3. All staff using SHAL vehicles will be monitored and will be subject to a monthly review of their vehicle usage and any driving incidents or offences during their one-to-one supervisions with their line manager.

4.2.4. All staff who drive a SHAL vehicle must report any incidents, accidents or offences to their line manager as soon as possible.

4.3. Where one or more driving offence, including speeding or a Road Traffic Accident where a staff member is at fault is reported it will be referred to the Senior Management Team who will determine appropriate action. Such action may

include, attending a driving awareness course funded by the staff member to take place in their own time or formal disciplinary action.

5. Consultation

- 5.1. A draft copy of this policy will be available on our website to allow members of the public an opportunity to comment on its contents prior to being submitted for approval by SHAL's board.
- 5.2. All tenants will be contacted by text to advise of its availability online and a draft copy will also be made available on request.
- 5.3. Employees have been consulted on this policy.
- 5.4. Unison have been consulted on this policy.
- 5.5. This policy has been produced in line with the RoSPA Driving at Work Guidance <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/employers/incident-reporting-and-investigation.pdf>

6. Equality and Diversity

- 6.1. We will treat all our customers fairly and equally. We will not, under any circumstances, discriminate against anyone because of: age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnic or national origin; religion or belief; sex; sexual orientation.
- 6.2. We will understand the different needs of our customers and we will ensure our services are accessible to everyone.

7. Value for Money

- 7.1. We will regularly review our processes to ensure resources and services are providing best value for money to our residents.

8. Owner

8.1. Maintenance Manager

9. Version and Revisions

9.1. This policy will be reviewed every 3 year(s).

9.2. Revisions

New version	Date	Revision details
1.1	29/3/23	<p>Have added in that the Finance team will seek insurance, MOT information and Driving licence verification. Some layout changes. Added employees and Unison for consultation.</p> <p>Added Vehicle tracking section and type of own car usage and allowance section.</p> <p>Added in outcomes what will happen if recurring motor offences.</p>