

DRIVING FOR WORK POLICY

JANUARY 2020

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Name of Policy:	Driving for Work Policy
Date Issued:	February 2020
Date to be reviewed:	3 rd January 2023

Policy Title:	Driving for Work Policy V2.0	
Supersedes: (Please List)	Driving for Work Policy V1.0	
Description of Amendment(s):	Updated into new format, impact assessment reviewed, no material changes	
This policy will impact on:	All staff/contractors	
Policy Area:	Corporate	
Version No:	V2.0	
Author:	Helen Johnson, Health & Safety Advisor	
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APPROVAL RECORD		Date:
	Health Safety and Security Meeting Members	December 2019
	Integrated Audit and Governance Committee	January 2020
Consultation:	Health Safety and Security Meeting Members	December 2019



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1. INTRODUCTION

There is a legal duty under the Health & Safety at Work Act 1974 to ensure as far as reasonably practicable, the health and safety of all employees while at work. Hull CCG and its employees also have a duty to ensure that others are not put at risk by their work related activities.

Work related driving may be an essential part of our business delivery, therefore the care of our employees is of paramount importance. Employees should ensure that they comply with all driving and vehicle laws in order to keep themselves and others safe.

2. SCOPE

This policy applies to all employees of Hull CCG and any staff who are seconded to the CCG and are driving for the purposes of work.

3. POLICY PURPOSE AND AIMS

Hull CCG recognises its duty of care under the Health and Safety at Work etc. Act 1974, The Workplace (Health, Safety and Welfare) Regulations 1992 to ensure, so far as is reasonably practicable, the health and safety of their patients, staff, residents and visitors.

The purpose of this Policy is to provide appropriate guidelines to ensure that Hull CCG complies with its statutory duties to manage the risks associated with Driving for Work. The principles of this policy shall apply to all work situations where driving is involved.

Whilst driving for work purposes, staff must comply with road traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits.

The following actions will be viewed as serious breaches of conduct and dismissal may be a consequence:

- drinking or being under the influence of drugs or alcohol whilst driving
- driving while disqualified or not correctly licensed
- reckless or dangerous driving causing death or injury
- failing to stop after a road traffic incident
- acquiring demerit points leading to suspension of licence
- any actions that warrant the suspension of a licence.

Also, non-disclosure of criminal convictions, which may include one of the above, will be considered a breach of terms and conditions and may result in dismissal.

4. IMPACT ANALYSIS

4.1 Equality

The CCG is committed to:

- Eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines, and
- Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 2. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application

4.2 Bribery Act 2010

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at nikki.cooper1@nhs.net.

Due consideration has been given to the Bribery Act 2010 in the development of

this policy (or review, as appropriate) of this policy document and no specific risks were identified.

5. NHS CONSTITUTION

5.1 The CCG is committed to:

- Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

5.2 This Policy supports the NHS Constitution as follows:

The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

6. ROLES / RESPONSIBILITIES / DUTIES

6.1 The Chief Officer shall:

- have overall responsibility for ensuring compliance with Health & Safety legislation.
- ensure effective implementation of the Driving Safely Policy within the organisation.

6.2 Line Managers shall:

- ensure staff receive appropriate help and advice in relation to vehicle safety.
- undertake annual checks of original vehicle and driver documents and provide copies to Human Resources via the Electronic Expenses System.
- regularly reinforce the importance of safe driving and record this;
- ensure that employees involved in accidents in the course of their work receive the appropriate support and participate in any appropriate accident investigation and recommendations and notify the Health & Safety Advisor of any work related driving accidents for monitoring purposes.
- make it clear that the employee must maintain their vehicle in a roadworthy condition if they are to use their own vehicle for work
- remind employees of their responsibilities in respect of workplace car lease agreements if appropriate.

- remind employees that they are to be informed of any change in circumstances that may impact on the employee's ability to drive. Anything brought to the attention of the line manager must be acted upon.
- Ensure that employees have suitable breaks when driving in order to prevent fatigue.

6.3 All Staff shall:

- inform their line manager immediately if, for any reason, their licence is no longer valid.
- ensure their insurance policy includes business cover for the amount and type of business mileage they undertake; employees who do not have business insurance are able to drive to and from work, nothing in between.
- ensure that their vehicle is taxed and has a valid MOT if applicable.
- report any road safety problems including crashes, incidents, fixed penalty notices, summons and convictions for any offence to their line manager.
- present their original driving licence for annual inspection to their line manager as part of the PDR process.
- co-operate with any reporting and investigation procedures in the event of an accident or incident.
- never drive defective vehicles;
- adhere to all policies relating to the use of lease and/or pool cars.
- be aware of what action needs to be taken in an emergency situation
- ensure they are physically fit to drive
- never drive while under the influence of alcohol or drugs
- remember that some prescription drugs can adversely affect the ability to drive and check with doctor or pharmacist
- never undertake using a mobile phone while driving unless with approved fitted hands free kit (as outlined below)
- drive within speed limits and to the speed dictated by conditions, which may mean driving at less than the limit
- ensure that suitable breaks are included to prevent fatigue
- Consider the use of other, more sustainable methods of transport to support green/sustainability agenda whilst also reducing time spent driving and associated risks.

7. ADDITIONAL MATTERS

7.1. Vehicle Checks

Appropriate routine vehicle safety checks should be undertaken on any vehicle used for work purposes, regardless of whether it is a private vehicle, a leased vehicle or a company owned vehicle. Please see Appendix A for suggested checks and procedures.

7.2. Use of Mobile Telephones whilst Driving

It is illegal to use a mobile telephone in the car at any time when the ignition is on, unless fitted with a hands free facility. This includes when stationary at traffic lights or when parked on or adjacent to roads when the engine is running. No Hull CCG employees should use a mobile phone or portable hands free kit whilst in the driving seat of a vehicle and the ignition is on, unless their life was in danger and they needed to contact the emergency services on 999 and to stop would exacerbate the situation.

Only car fitted hands free kits are acceptable. Whilst driving, making calls with a car fitted hands free kit must be restricted and kept to a minimum. When answering incoming calls, employees should inform the caller that they are driving or set up in advance an auto answering function of the mobile phone such as a messaging service. Employees should be aware that even though the use of fixed hands free kits is not illegal, there is still a possibility of prosecution if a law enforcement officer believes that they were not in full control of the vehicle. For this reason, usage should be kept to a minimum whilst driving.

Any use of a hand held mobile device **is strictly prohibited** whilst the car engine is switched on. The use of any hand held mobile device for reading or responding to emails **is strictly prohibited** whilst the car ignition is switched on.

7.3. Driver Health & Safety

7.3.1 Driver's Health

Under no circumstance should employees drive for work when their ability to drive safely is affected. No employee should drive at work when they are taking medication which may impair their ability to do so. This includes prescribed and over the counter medication.

Where there are any concerns, an employee may be referred to Occupational Health.

Employees are reminded of the requirement to inform the DVLA of any condition or illness that could impact upon their ability to maintain a driving licence (either directly or via their own GP).

7.3.2 Driver's Safety

Employees should consider whether a road journey is really necessary or whether alternative methods of transport can be utilised.

Employees should ensure that necessary journeys are scheduled to a realistic timetable and planned to take into account of the essential need for rest periods, delays due to road works and any weather limitations/restrictions.

7.4. Fines

Employees will be responsible for any speeding, parking or other infringement fines and for any associated legal costs.

8. TRAINING AND AWARENESS

Employers and managers must be aware of their responsibilities in relation to this policy and must comply with UK law in relation to the issue of a suitable driving licence as required to carry out their duties.

9. MONITORING AND EFFECTIVENESS

The effectiveness of this Policy will be monitored by the Health & Safety Advisor as a part of the annual audit and the results will be communicated as a part of the Annual Health & Safety Report

Ongoing monitoring will also be undertaken to identify any potential changes in legislation and/or relevant Codes of Practice, following which the policy will be updated and submitted to the relevant committee for approval.

10. POLICY REVIEW

This Policy will be reviewed within 3 years of the date of implementation except where legislative changes apply, or there has been a significant event.

11. REFERENCES - Statutory Requirements and Guidance Documents

The main Acts and regulations which have a bearing on driving for work are:

- Health & Safety at Work Act etc. 1974
- Management of Health & Safety At Work Regulations 1999
- Corporate Manslaughter and Corporate Homicide Act 2007
- Road Safety Act 2006

Each of these contains provisions which stipulate that non-compliance is a criminal offence and set out the penalties for such offences. The penalties on conviction include fines, imprisonment or both. Those with managerial responsibility within the CCG, as well as the corporate body, may be prosecuted.

Driver and Vehicle Safety Checks

Safe Driving Advice

There are many factors, which contribute to road accidents, most of them can be controlled to some extent. They include:

- **Vehicle condition and road worthiness**
- **Driver condition and fitness**
- **Weather conditions**

Vehicle Condition:

The driver is responsible for ensuring the vehicle is road worthy. He/she should do this by:

- Keeping the vehicle clean and well maintained at all times
- Keeping the vehicle legal – condition, taxation, insurance, MOT
- Checking the vehicle regularly – before significant journeys and as part of the general upkeep
- Ensure there is range of 'rescue' equipment appropriate to the journey in the vehicle

Vehicle Inspection

For the driver's own safety, as well as to meet legal requirements, the following checks should be made by the driver.

A **daily inspection** should be carried out to check that:

- There are no obvious faults.
- There has been no damage to the vehicle.
- Mirrors are in the correct position, including internal.
- The fuel level is sufficient for the journey.
- Windows are clean and undamaged.
- Brakes are working

A **weekly inspection** to check that:

- Tyre pressures are correct (refer to the manufacturer's handbook).
- Tyre tread is within legal limits (1.6mm across the central three-quarters of the tyre tread width and around the entire outer circumference).
- Tyres should be free from cracks, worn patches and bulges, particularly on the sides.
- Lights, windscreen washers, wipers and indicators are in working order, inc warning lights

- Oil, coolant, battery levels and water levels are satisfactory.
- Any service/maintenance requirements have been complied with.
- Seatbelts fitted correctly and function properly

Safety Equipment Ideas:

- Warning triangle
- Spare tyre
- Fire extinguisher
- First Aid Kit
- Torch
- Driver Safety Information
- Driver Guidelines for Accident/Incidents Action
- Map
- Spare bulbs
- Spare fuel (this must be contained within a approved fuel carrier)
- De-icing equipment – spray de-icer, ice scraper
- Jump leads
- Washer fluid

Driver Safety

Every driver is responsible for ensuring they are physically fit enough to drive before they get behind the wheel. This is not just legally competent (free of intoxicating drugs and alcohol) but also:

- Medically fit – free from an illness/medical condition that may cause a problem. Where medication has been prescribed for any ailment, ensure this does not cause drowsiness.
- Mentally fit and alert – free from undue stress or anxiety that may prove a distraction.
- Good eyesight – using corrective appliances where needed.
- Well rested.

Remember that the residual effects of alcohol from a night out the previous evening may still affect the speed of your reaction, your judgment or co-ordination, even if you are legally within the drink-driving limit.

Your mood, physical well-being and the amount you have eaten can all affect your ability to handle alcohol. Remember that keeping to the legal limits for drink driving is no guarantee of fitness to drive or safety when driving.

Journey Planning

A significant number of accidents occur when a driver becomes drowsy. There are many things which many cause drowsiness:

- Lack of sleep before a journey
- Long, monotonous journey

- Consuming alcohol before a journey/after effects of the 'night before'
- Journey home after night shifts or after long hours at work
- After taking medication
- At certain times of the day i.e. very early mornings

Apart from losing complete control of the vehicle should the driver actually fall asleep, the level of risk is heightened when the driver is tired, e.g. reaction times are slower; crucial decision making may be impaired; alertness/concentration affected.

Before you start:

1. Time

Calculate how long a journey will take then include additional time for rest breaks and unexpected delays e.g. traffic jams.

2. Rest

Ensure you have had a normal amount of sleep prior to commencing the journey. Plan rest breaks, ideally ever two hours or sooner if feeling tired.

3. Plan

Plan out the route and write out simple instructions that are easy to follow. Consider noting an alternative route in the event of a major delay.

4. Check the vehicle

Carry our safety checks on the vehicle, ensuring that everything is functioning: wipers, washer, lights and that there is sufficient fuel and water for the journey.

5. Share your schedule

Ensure that someone has a copy of your journey plan and knows what time you are due to arrive.

Annual Driver's Licence Checklist

Annual licence checks must be undertaken using the UK online system. Paper licenses are no longer an acceptable form of proof of eligibility to drive.

- Check name and address on licence (if photo card, on paper counterpart too)
- Check the licence is current (e.g. date on photo card, if applicable)
- Check that vehicle category codes provide eligibility for vehicle being driven
- Check licence is full and has no restrictions (e.g. age)
- Check for endorsements. If there are any, which cause concern, contact the Human Resources Department or Health & Safety Advisor.

If the employee has to tow a trailer:

- Does the licence cover this (note post-1997 restrictions)
- Is the vehicle suitable for towing (MAM and licence limitations)
- Is the trailer suitable for the vehicle towing it (MAM and licence limitations)

- Has the employee passed the trailer test (note post-1997 restrictions)?
- Has the employee received any additional training for towing trailers?

If the employee is to drive a minibus:

- Does the licence cover this (note 1997 restrictions)
- Number of passenger seats
- Is driver over 21?
- Is it for hire or reward (is a PCV category D1 or D required and higher medical standard)?
- Has the driver passed the minibus test, or had additional training?
- Does the driver have a Minibus and Community Bus Permit?
- Is the minibus going to be towing a trailer?
- Is the vehicle suitable for the trailer it is towing (MAM and licence limitations)?
- Is the trailer suitable for the vehicle towing it (MAM and licence limitations)?
- Does the driver's licence allow towing by minibuses?

Overseas visitors/residents:

- Is the driver on a visitor's visa or are they a resident in Great Britain (GB)?
- Do they hold an EC/EEA licence?
 - Minimal restrictions on driving in GB for cars and light vehicles
 - Can be exchanged for a GB licence
 - Some restrictions on heavy vehicles and vocational licences
- Do they hold a designated country licence?
 - 12-month limitation on existing licence for cars and light vehicles
 - Must exchange driving licence for a GB licence within 12 months
 - Vocational drivers required to pass GB test for medium-sized or large vehicles or passenger vehicles (with some exceptions)
- Do they hold a licence outside EC/EEA and designated countries?
 - 12-month limitation on existing licence for cars and light vehicles
 - Must take GB driving test within the 12 months but can drive on a GB provisional licence without usual restrictions
 - Vocational drivers required to pass GB test for medium-sized or large vehicles or passenger vehicles (with some exceptions)

If in doubt contact the DVLA on 0870 240 0009 or visit www.dvla.gov.uk



Hull

Clinical Commissioning Group

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Driving for Work policy V2.0
Date of Analysis:	7 th December 2019
Completed by: (Name and Department)	Helen Johnson, Health & Safety Advisor
What are the aims and intended effects of this policy, project or function?	To ensure that all staff who undertake driving for work are aware of the risks associated with driving for work, and are aware of how to minimise those risks To ensure that Hull CCG fulfils its obligations under the Health & Safety at Work etc. Act 1974
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	No material changes to previous policy
Please list any other policies that are related to or referred to as part of this analysis	NHS Hull CCG Health & Safety Policy
Who will the policy, project or function affect?	All staff employed by NHS Hull CCG who undertake driving for work
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	This policy has been agreed by the local staff side representative Toni Yel
Promoting Inclusivity and Hull CCG's Equality Objectives.	This policy and the associated risk assessment process aims to ensure equality of all staff in relation to driving for work, regardless of any

<p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 5. To demonstrate leadership on equality and inclusion and be an active champion of equalities in partnership programmes or arrangements. 	<p>protected characteristic.</p>
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Equality Data	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still</p>

<p>compared to the population profile, application success rates</p> <p>2: Complaints by groups who share / represent protected characteristics</p> <p>4: Grievances or decisions upheld and dismissed by protected characteristic group</p> <p>5: Insight gained through engagement</p>	<p>be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>
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Assessing Impact

**Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)**

Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
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It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.

Gender	X			This policy applies to all staff regardless of gender
Age	X			This policy applies to all staff regardless of age
Race / ethnicity / nationality	X			<p>The policy applies to all staff regardless of race/ethnicity.</p> <p>Analysis of employee data indicates that the percentage of white employees is reflective of the local population. However, the proportion of BME staff is lower than that of the local population it serves</p> <p>All staff require competencies which include the ability to read and understand English or to request the</p>

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				information in another format available to them
Disability	X			This policy applies to all staff regardless of disability
Religion or Belief	X			This policy applies to all staff regardless of religion or belief.
Sexual Orientation	X			This policy applies to all staff, regardless of sexual orientation
Pregnancy and Maternity	X			This policy applies to all staff, regardless of pregnancy and maternity
Transgender / Gender reassignment	X			This policy applies to all staff regardless of transgender or gender reassignment
Marriage or civil partnership	X			This policy applies to all staff regardless of marriage or civil partnership.

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
None				

Sign-off

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with

timescales:

A handwritten signature in black ink, appearing to be 'M. J. ...', is centered in the middle section of the form.

Signed:

Date: 16.12.19