

## WORK-RELATED DRIVING PROCEDURAL GUIDANCE

<b>PROCEDURE REFERENCE NUMBER</b>	CPG73	
<b>VERSION NUMBER</b>	1.1	
<b>KEY CHANGES FROM PREVIOUS VERSION</b>	Additional guidance on safe use of electronic devices / hands-free while driving (7.1, 7.4)	
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<b>RATIFICATION BY QUALITY COMMITTEE</b>	April 2020	
<b>COPYRIGHT</b>	2020	
<b>PROCEDURE SUMMARY</b>		
This procedure is to enable EPUT to meet its obligation to protect staff so far as is reasonably practicable, from all occupational road risks associated with work-related driving and sets out the requirements for both employees and managers to ensure safe driving whilst at work.		
<b>The Trust monitors the implementation of and compliance with this procedure in the following ways:</b>		
Monitoring is overseen by: <ul style="list-style-type: none"> <li>• Feedback from staff on this policy and accompanying procedural guideline is encouraged via [REDACTED].</li> <li>• The Health Safety and Security Committee as the approval committee will review the format of this policy and procedure and ensure appropriate consultation has been undertaken prior to approval.</li> <li>• Datix incident reporting system.</li> </ul>		
<b>Services</b>	<b>Applicable</b>	<b>Comments</b>
Trustwide	✓	
Essex MH&LD		
CHS		

**The CEO is responsible for monitoring and reviewing this procedure**

**ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST**

**WORK-RELATED DRIVING PROCEDURAL GUIDANCE**

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**ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST****WORK RELATED DRIVING PROCEDURE****1.0 INTRODUCTION**

Essex Partnership University NHS Foundation Trust recognises that during the course of their work, many staff within the organisation are required to drive whilst at work to carrying out their duties. A smaller number of staff within the Trust are required to transport patients and/or colleagues in their vehicles as part of their duties whilst at work.

It is widely recognised that driving on public roads is one of the most risky activities that many staff will undertake. The HSE estimate that around a third of all road traffic accidents involve someone who is driving at or for work and that each week, around 20 people are killed and around 250 people are seriously injured whilst carrying out their job.

Managing the duty of care to employees whilst driving for work is a legal requirement for all employers, and EPUT takes this responsibility very seriously.

The Health & Safety Executive advises in its guidance, *“Driving at Work – Managing Work Related Road Safety”* that health and safety law applies to driving whilst working and risks should be managed within a safety management system. The laws governing road safety are the Road Traffic Acts supported by the Highway Code. For enforcement purposes, road traffic law takes precedence over the Health & Safety at Work Act 1974.

**2.0 DEFINITIONS**

EPUT defines work-related driving as all staff, who during the course of carrying out their duties for the Trust drive a vehicle as an employee. This policy applies, whether the vehicle is driven on the public highway or EPUT premises.

Normal journeys to and from the workplace are excluded from this policy.

Best-practice road safety strategies focus upon the prevention of serious injury and death crashes.

For the purpose of this policy the term vehicle includes; cars, vans, passenger carrying vehicles (PCV) motorbikes and pushbikes and incorporates:

- Those vehicles leased by the Trust and used by staff in their day-to- day business.
- Privately owned (grey-fleet) vehicles, which are vehicles owned and maintained by the individual member of staff and used for their day-to- day business whilst at work for the Trust.
- Privately leased (sub grey fleet) vehicles, which are seen as those vehicles that are privately leased through an external 3<sup>rd</sup> party lease contract arrangement, by individual staff members and used for their day-to-day business whilst at work.

- Any wholly owned Trust vehicles.

### 3.0 TRANSPORTING PATIENTS

- 3.1 The trust provides a range of community, mental health and learning disability services; which requires at times the transportation of patients by staff in their cars. (e.g. health care/therapy appointments).
- 3.2 Transport of patients by staff will always be as part of an agreed care plan or therapeutic activity.
- 3.3 A detailed risk assessment is required before any journey which includes the nature of the activity, the number of staff providing escort and other elements as appropriate; i.e. moving and handling, safeguarding etc.
- 3.4 No transport of patients must ever take place without an agreed, approved risk assessment in place as detailed in the discharge and transfer policy and procedure.
- 3.5 Advice for drivers with disabilities, or who may have disabled passengers, is available from Motability: [www.motability.co.uk](http://www.motability.co.uk)

### 4.0 VEHICLE REQUIREMENTS

Where Trust lease vehicles are in use, the driver is required to refer to the Trust's lease car handbook and relevant policies.

- 4.1 A Grey Fleet User is defined as an employee who does business miles on a regular or ad-hoc basis using their own vehicle.
  - No vehicle will be allowed to be used on company business without meeting minimum roadworthiness requirements as laid down in the Road Traffic Act 1988, Section 41: Construction & Use Regulations; bearing a current, valid 'MOT' certificate; having adequate insurance that covers the driver whilst using the vehicle for business purposes (and states this clearly); has a current, valid road excise licence. (Even if the fee for this is zero). It is the responsibility of the driver to ensure all the required documents are submitted to their manager who will submit onto the Trust's expenses system.
  - Note: As some motor vehicles are exempt from road tax, i.e. some electric and hybrid vehicles and disabled classes of vehicle; this does not excuse the driver/owner from supplying proof of road tax registration.
  - If car sharing in preference a staff member who has a trust lease car must use their vehicle above the use of staff using their privately owned/leased vehicle.

## 4.2 Electric vehicles:

- Drivers of electric vehicles must follow the manufacturer's recommendations when it comes to charging or recharging electric batteries;
- The Trust does not currently have recharging facilities, nor will it allow for recharging of vehicles from Trust premises, as it cannot mitigate for unforeseen dangerous occurrences.
- Drivers of electric vehicles must therefore ensure that they have enough charge to get them to and return from work before setting out, or that their journey will take them past a recognised and authorised charging station.

No smoking is allowed in any vehicle whilst undertaking Trust business

## 5.0 DUTIES

- 5.1 The Trust Board will ensure the Trust meets its legal obligations under Health and Safety legislation. The board will ensure, so far as is reasonably practicable, that all steps are taken to ensure secure and safe travel for all stakeholders of the Trust, including persons who are not employees of the Trust but are passengers of Trust employees.
- 5.2 The Chief Executive is ultimately responsible for the overall health and safety in the Trust, including secure and safe travel at work. The Chief Executive is responsible for the effective implementation of the work-related driving policy.
- 5.3 The lease car department will be responsible for the insurance and tax management of all cars in the Trust under the scheme.

## 6.0 MANAGERS DUTIES

Heads of Service and Line Managers are responsible for:

- Managing and ensuring, as far as reasonably practicable, safe working environments, including travel within their area of responsibility. E.g. staff have adequate journey time between patient visits.
- Ensuring staff report all adverse travel incidents. Following an incident, a Trust incident reporting form should be completed using the Trust's Datix incident reporting system.
- Ensuring all staff, including temporary, agency and locum staff, are aware of and comply with the Work-Related Driving Policy.
- Ensure drivers do not feel under pressure or encouraged to take unnecessary risks, e.g. driving in adverse weather conditions
- Ensure schedules that are as realistic as possible working with staff to ensure their safety; journey times should take account of road types and condition, and allow for rest breaks. (The Highway Code recommends that drivers should take

a 15 minute break every two hours).

- Ensure appropriate risk assessments have been undertaken and that there are adequate local working procedures to ensure safe travel at work.
- Ensure any adverse incident or near miss in relation to vehicles or travel at work is reported via the Datix incident reporting system.
- Ensure during management supervision they periodically check the validity of the staff member's driving licence. On recruitment this is completed via the confirmation statement

## 7.0 DRIVERS DUTIES

7.1 It is the responsibility of the employee to:

- Ensure they are sufficiently fit and healthy to drive safely and not put themselves or others at risk.
- Check that the job does not require anything more than a current driving licence, valid for the type of vehicle to be driven.
- Ensure if they carry patients in their vehicles they have adequate insurance in place, staff need to be aware that 'business use' cover is not normally sufficient to cover this, and a commercial insurance policy may be required. Staff must ensure the policy wording on the insurance certificate clearly state it is for the carriage of patients, before it can be accepted.
- Secure any load to be carried so that it is not at risk of injuring vehicle occupants in a traffic accident.
- Ensure any adverse incident or near miss in relation to vehicles or travel at work is reported via the Datix incident reporting system.
- Ensure they are able to satisfy the eyesight requirements set out in the Highway Code.
- Ensure they are aware and compliant with (March 2017) Mobile phone driving laws.
- Ensure they do not drive, or undertake other duties, while taking a course of medicine that might impair their judgement or their ability to drive safely. The employee must immediately inform their line manager and in cases of doubt they should seek the view of their GP.
- Ensure the car is fit for purpose and the safety equipment is properly fitted and maintained.
- Ensure when submitting their expenses that they accurately declare they have a valid driving licence. However if the manager has any doubt regarding the

validity they must follow up with the staff member during supervision and document the outcome.

- Ensure they do not carry loads for which the vehicle is unsuitable (such as overloading or carrying long or overly bulky items).
- Ensure they do not carry hazardous materials (with the exception of those which are required in the discharge of their employment, e.g. oxygen, helium but where this is a requirement, then a separate, suitable and sufficient risk assessment must be carried out that thoroughly covers all the aspects of this use). The car should bear the correct signage to indicate the cargo in these instances. The insurance company must also be informed of this.
- Ensure they only carry the number of passengers for which seatbelts are provided and that can be safely carried in suitable seats.
- Ensure they do not use the vehicle for purposes for which it was not designed, i.e. off-road use.
- Ensure they plan routes thoroughly and that sufficient time is allowed to complete journeys safely.
- Ensure they are not at risk from fatigue caused by excessive driving distances without breaks and plan journeys including, if required, an overnight stay, rather than having to complete a long road journey at the end of the working day if this is deemed appropriate.
- Ensure they are mindful of the driving hazards associated with irregular hours of work when they are excessively tired; in such circumstances they may wish to consider an alternative, such as a taxi.
- Ensure they are not at risk from activities that could cause distraction when driving such as;
  - The use of video calling/meeting facilities when driving. \*this relates to MST (Microsoft Teams or Zoom or similar video conferencing apps.) and video games of any description.
  - Satellite navigation systems, where installed within the vehicle, should only be set or adjusted whilst the vehicle is stationary, any adjustments should be made by pulling over where it is safe to stop and do so.
- Ensure they report to their immediate manager any restriction imposed on their driving licence on medical grounds or any notice of intended prosecution against their driving licence

7.2 Employees who undertake driving activities in the course of their work should liaise with their manager to make sure that risks in the event of adverse weather conditions are adequately addressed. Alternative systems and methods of work may have to be adopted to reduce the risk as far as reasonably practicable in line with the adverse weather plans (RM14

Appendix 14e).

- 7.3 Although there is no legal requirement, where applicable, staff may be required to undertake a medical. This will be arranged as part of the Occupational Health requirements for those who have a heightened risk – e.g. due to previous injury or illness.
- 7.4 No person, whilst driving, is to use any electronic device which is likely to cause distraction. Hands-free devices may be used to make and receive telephony calls where safe to do so and when this does not create a distraction.

## **8.0 INSURANCE**

- 8.1 Where Trust lease vehicles are in use, then the Trust has secured adequate insurance for their use, including the transportation of patients.
- 8.2 Privately owned (grey fleet) car users must ensure they have business use insurance to allow them to use their car as part of work-related driving.
- 8.3 Privately owned (grey fleet) car users who carry patients in their vehicles need to be aware that 'business use' cover is not normally sufficient to cover this, and a commercial insurance policy may be required. Staff must ensure the policy wording on the insurance certificate clearly state it is for the carriage of patients, before it can be accepted.
- 8.4 If staff drive another car the user has a responsibility to ensure it is adequately insured for the purpose they intend to use it for.

## **9.0 MONITORING AND COMPLIANCE**

- 9.1 The effectiveness of this policy will be reviewed and monitored by the risk management team via the Datix incident reporting system.
- 9.2 The policy and procedure will be review on a 3 yearly basis, unless additions are critical and require immediate change.
- 9.3 Feedback from staff on this policy and accompanying procedural guideline is encouraged via [REDACTED]
- 9.4 The Health Safety and Security Committee as the approval committee will review the format of this policy and procedure and ensure appropriate consultation has been undertaken prior to approval.



**10.0 ASSOCIATED DOCUMENTS AND REFERENCES**

CP73 Work Related Driving Policy  
CP3 Adverse Incident (including Serious Incidents) Policy and Procedure  
RM01 Corporate Health and Safety Policy.  
FP09/09 Car Leasing Policy and Procedure  
RM11 General Workplace Risk Assessment Policy and Procedure  
RM14 Major Incident Plans  
Health and Safety at Work Etc. Act 1974.  
The Management of Health and safety at Work regulations 1999.  
The Road Traffic Act 1988.  
The Road Vehicles (Construction and Use) Regulations 1986.  
The Highway Code (Published Oct 2015, updated Aug 2019)  
The Driver and Vehicle Standards Agency. The Vehicle and Operator Services Agency.  
The Royal Society for the Prevention of Accidents  
ROSPA HSE Driving at work Guidelines (INDG382 rev1, 2014)

**END**