



Appendix 1

**Cardiff Council**  
**Occupational Road Risk Policy**  
**June 2018**



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## 1.0 Introduction

Cardiff Council is committed to establishing, maintaining and promoting high standards of the management of health and safety to minimise the risks to employees and others, arising from the use of motor vehicles.

The aim of this policy is to raise awareness of occupational road risks within the Council and to reduce the associated risks to employees, Elected Members, the public, and the Council to an acceptable level.

More than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time (Department for Transport figures). The Council recognises that its operation of its motor fleet of both commercial vehicles and cars, together with the necessity to use private vehicles for business journeys, presents risks to employees, Elected Members, the public and to the Council itself. Road travel involves a risk of injury and/or material loss and, in the worst case, death. It is therefore essential that foreseeable risks are properly managed to reduce as far as possible the chances of such injuries and damage occurring.

This Policy applies to all Council employees, Agency Workers, Contracted Persons and Elected Members, who are authorised to drive for Council work purposes.

**Paul Orders**  
**Chief Executive**  
**May 2018**

## 2.0 Scope of Policy

This Policy aims to support the Council's workforce, its Directors, Assistant Directors, Operational Managers, Managers and Supervisors, anyone with line management or supervisory responsibility and Drivers in delivering high standards of safety, reducing and dealing with risks associated with driving at work activities. It applies to the following categories of vehicles:

- Owned, Fleet and Leased Vehicles
- Hired or Contract Hired Vehicles
- Demonstration Vehicles
- Pool Cars
- Grey Fleet Usage

This Policy is also supported by:-

- Drivers' Handbook
- Risk Management Policies
- Relevant Health and Safety Policies
- Relevant Terms and Conditions of Employment of employees
- The Management of Health and Safety Regulations 1999
- Policy on use of hand-held Mobile phones – 1.CM.028
- Data Protection Policy
- Disciplinary Policy and Procedure

This Policy applies to all Council employees, Agency Workers, Contracted Persons and Elected Members who are authorised to drive for Council work purposes.

It includes the use of Council owned, leased or hired vehicles, including pool cars, and also the use of private cars when being used for Council work purposes, whether mileage payments are claimed or not (Grey Fleet).

The Council has a duty of care to all those who need to travel while on duty for the Council.

Driving from home to the place of work is deemed to be commuting and is not covered by this Policy. However, the Policy covers travelling direct to work from home when in a Council vehicle, including recall to work travel.

In respect of grey fleet usage, reference should be made to Health & Safety Guidance - Occupational Driving Use of Private Vehicles for Business Purposes (ref: 4.CM.271).

### 3.0 Purpose of the Policy

The purpose of this Policy is to help clarify Council responsibilities and provide guidance to the Council in discharging its respective duties. Whilst this Policy highlights the relevant part of the Law, it is not a substitute for it.

It is the responsibility of the Council for ensuring that all its legal requirements are carried out. An infringement of any driving related legal regulations may result in the scrutiny of the Councils Operator's Licence, together with endorsement or disqualification of a Driver's licence with possible loss of employment and/or disciplinary action being taken against the Driver.

To ensure there is no miss-interpretation of the Policy, the term Council "Driver" encompasses all employees, Agency Workers, Contracted Persons and Elected Members who are authorised to drive for Council work purposes.

It includes the use of Council owned, leased or hired vehicles, including pool cars, and also the use of private cars when being used for Council work purposes, whether mileage payments are claimed or not.

Approximately 30% of all fatal road crashes involve people who are at work. Not managing Occupational Road Risk well can have a number of effects on the Council, including:

- Loss of employees, absenteeism because of injuries, and less productivity
- Loss of, or damage to, vehicles and other property
- Increased insurance costs, e.g. vehicle repairs and replacements
- Compensation claims and motor insurance premiums
- Action by the enforcing authorities, e.g. the HSE or the Police

This Policy reinforces and introduces features specific to driving whilst at work, such as:

- Driving-related risk assessments
- Verification of legal entitlement to drive
- Assessing suitability of vehicles used at work
- Checking of key documents
- Use of mobile phones and communication radios

- Safe and fuel efficient driving
- Improving the efficiency of services that are reliant on fleet for delivery
- Repudiating false allegations and claims against Drivers

These features are designed with the safety of Drivers, passengers and other road users in mind and to make sure that managers and Drivers remain aware of key issues.

The UK Government has set a target to reduce road traffic accidents by 2020, and part of this initiative is aimed at people who drive Council owned/leased/hired vehicles as part of their work. The Council has responded by developing this Occupational Road Risk Policy to help Drivers and anyone with line management or supervisory responsibility to be more aware of, and thereby reduce, the risks associated with driving.

The Policy will be reviewed in 12 months, following implementation, and thereafter in the light of operational experience or changes to legislation.

## 4.0 Key Organisational Responsibilities

### 4.1 Discharging Council Duties

In recognition of the Council's legal and moral obligations for ensuring Driver safety, the Council actively seeks to take all reasonably practical measures to ensure safe system of work are provided to those undertaking driving activities as part of their employment.

As an extension to this obligation, the Council aims to provide a systematic and planned approach to road safety through a process of continuous improvement with the overall objective of achieving the highest standards of occupational road safety.

In discharging these duties, the Authority will ensure that:

- Verification of Legal Entitlement to Drive (see Section 9.1);
- All Drivers prior to driving Council owned/leased/hired vehicles (excluding pool cars) on Council business will undergo a robust Driving Assessment, and any recommendation resulting will be implemented and documented;
- A register of successfully assessed Drivers will be kept and only those Drivers on this register will be authorised to drive Council vehicles up to their assessed category (this excludes pool car and grey fleet drivers);
- Following successful assessment and licence check, the Driver's details are entered onto the Authority's Drivers' Register, and a Drivers' handbook is provided to Drivers with all relevant information given;
- Work related driving activities are risk assessed with the objectives of reducing road traffic accidents to the lowest level reasonable practicable;
- Fleet vehicles used in the course of Council activities are appropriately maintained and fit for purpose;
- Arrangements are put in place to ensure the reporting, recording and investigating of all accidents and incidents from work related driving. This will include the use of vehicle management systems as appropriate, (e.g. vehicles tracking systems, vehicle camera systems, digital tachographs, etc.);

- Adequate arrangements are in place to identify and implement remedial actions following road traffic accidents, and
- Arrangements are in place to ensure that all documents supporting this Policy are available to Directors, Assistant Directors, Operational Managers, Managers, Supervisors and Drivers.

## 4.2 Chief Executive

The Chief Executive has overall responsibility for ensuring that:

- The Occupational Road Risk Policy is implemented corporately with the responsibility for the implementation within each Directorate delegated to the appropriate Director/Assistant Director/Head of Service;
- Adequate resources are made available to ensure the Occupational Road Risk Policy is implemented effectively;
- The nominated Transport Manager who is the Council's Goods Vehicle Operator Licence Holder has the appropriate level of authority and resource to discharge his mandatory function to ensure the vehicle fleet is operated in compliance with the terms of the licence issued by the Traffic Commissioner;
- Periodic reviews of safety performance are completed and results are used to highlight specific areas that require improvement;
- A register of authorised vehicles users is kept up to date, and
- A Privacy Impact Assessment (PIA) is developed with assistance from the Council's Senior Information Risk Owner (SIRO) to cover any privacy impacts of this Policy. The PIA must be updated when new uses of personal data are considered, and recommendations properly carried out.

### 4.3 Directors, Assistant Directors/Heads of Service

Directors, Assistant Directors and Heads of Service are responsible for ensuring that the standards contained in the Occupational Road Risk Policy and supporting documents are implemented effectively within their areas of responsibility. In so doing they will ensure:

- Operational Managers, Managers and Supervisors are fully aware of their roles and responsibilities in managing Occupational Road Risk and the required training is completed;
- Training as required by this Policy is completed in a timely manner;
- Adequate resources are made available to ensure that the Occupational Road Risk Policy is implemented effectively;
- The SIRO is provided with all necessary information for the completion, and updating as required, of Privacy Impact Assessments relevant to Vehicle Management Information systems referred to by this Policy.

### 4.4 Transport Manager

The Transport Manager is responsible for provision of systems and procedures including subsequent audits with regards to all aspects the transport operations which are required for the Directorates to manage their Drivers. In particular, the Transport Manager is responsible for:

- Efficiently and effectively managing the transport activities of the Council;
- Ensuring the procurement, management and disposal of all vehicles operated by the Council is carried out effectively;
- Ensuring that these vehicles are fit for purpose, meet the requirements specified by the Directorate, are roadworthy, licensed and comply with the relevant transport regulations that govern the transport industry in the UK;
- Organising the repair and maintenance of these vehicles without impacting the Directorate operation;
- Tyre management;
- Assisting Directorates in ensuring that all Drivers who drive vehicles for work purposes are appropriately trained;
- Providing robust Vehicle Inspection and Defect Procedure;

- Providing Driver Hour (including mobile worker) Management Systems, allowing directorates to proactively manage Driver hours;
- Ensuring all Driver training and assessment provided reflects the operational needs of the Directorate and health and safety requirements of equipment use;
- On request, provide guidance for all aspects of vehicle and transport safety including assistance with accident investigation;
- Alerting Directorate Managers on updated Industry guidance with the necessary assistance to development and implement change, and
- When necessary, implement appropriate action(s) in respect of Drivers/vehicles managed by Directorates to ensure compliance with legislative requirements.

## 4.5 Operational Managers

Operational Managers have a responsibility for ensuring the Health and Safety of their employees and will ensure:

- Appropriate Health and Safety Management arrangements are implemented within their own area of control in managing Occupational Road Risk;
- Drivers have the required licences and qualifications, and have received the necessary training to drive Council vehicles;
- That the Health and Safety arrangements comply with the Occupational Road Risk Policy and other associated Council requirements;
- Work related driving risks to employees and others are identified, assessed and recorded and that suitable controls to reduce or eliminate risk are implemented;
- Managers and Supervisors complete the training required for this Policy in a timely manner;
- Drivers are provided with sufficient information, instruction, training and supervision on procedures established to minimise risk associated with work related driving activities;
- Employees are referred to Occupational Health and/or HR for advice on fitness for work when a they declare a health problem;
- All accident and incidents concerned with work related driving activities are reported, recorded, investigated and monitored in

accordance with relevant Council's policies to ensure that health and safety arrangements remain relevant and effective and that appropriate support is provided to any employee who has been involved in and/or injured in a work related driving incident;

- Thorough investigations are carried out immediately following notification from the employee that they have been involved in any road traffic accident or the commitment of any road traffic offence. If required, an investigation in accordance with the Council's Disciplinary Policy/Procedure will then be undertaken. *The Operational Manager/Service Manager will notify the Transport Manager of the investigatory process and outcome of the investigation to enable effective liaison with the Traffic Commissioner/DVSA in the event that the regulatory body requests the relevant information;*
- Drivers have been instructed to report medical conditions, which affect their ability to drive to the Driver and Vehicle Licensing Agency (DVLA);
- That managing Road Safety Performance is included as a Personal Performance objective of Managers and Supervisors and for other employees where driving is a core part of their activity;
- That their Drivers are listed on the Drivers Register and are therefore authorised to drive Council vehicles;
- Procedures are in place to ensure all employees, Agency Workers and Contracted Persons required to drive vehicles on Council business complete, on appointment and thereafter as directed under Section 9.1, the Driver Assessment and Authorisation to Drive form (4.C.477);
- That driving of private vehicles for work purposes is included in the risk assessment process and that employees are made aware of relevant Codes of Guidance and in particular, this and the Driver Handbook, and
- That Council vehicles are operated safely and in accordance with health and safety and road transport legislation.

## 4.6 Manager/Supervisor Responsibilities

Managers and Supervisors have the day to day responsibility for the safe operation of vehicles under their control and are required to ensure that:-

- Drivers comply with their responsibilities;
- Drivers “sign” for the receipt of the Driver Handbook;
- Where vehicles are not taken home, Drivers sign for the collection and return of vehicle keys on a daily basis;
- Risk Assessments relevant to the management of occupational road risk are kept up to date and regularly reviewed;
- Ensure vehicle changes, change of use, movement between Directorates/Directorates are communicated to CTS, so any changes can be to the vehicle database and tracker reporting;
- Drivers do not use, operate, drive or carry a passenger in any vehicle or plant whilst they are under the influence of drugs or alcohol, including substance abuse, and, if an issue arises, it will be dealt with in accordance with the Council’s Alcohol and Drug Misuse Policy;
- In Adult and Childrens’ Services where the Council’s clients are being transported who are under the influence of drugs or alcohol, appropriate risk assessments shall be in place;
- Speed limits and traffic routes in depots and on the public highway are complied with;
- Reversing activities are kept to a minimum and, where risk assessment specify, ensure Reverse Assistants are used before any manoeuvre is undertaken;
- All Driver records including the Driver Vehicle Check, Defect Reports and manual weighbridge tickets are accurately maintained and lost books reported;
- Accurate records are maintained of the names of Drivers driving Council vehicles for all hours of vehicle operations. Where the Driver of a vehicle changes during a working period, the new Driver must complete a new Driver Vehicle Check and Defect Report and record the time the Driver was changed. This process must be completed each time the Driver changes;
- Drivers undertake mandatory daily vehicle inspection including a post shift inspection before using or after using vehicles or plant on site or on a public highway;
- All incidents are fully investigated with the Driver and reported using the appropriate Council processes and procedures;

- Appropriate action is taken following notification by an employee of any driving conviction, loss of licence or use of medication, which may affect their ability to drive safely;
- Specialist vehicles are used in strict accordance with manufacturers operating instructions and training provided;
- All new Drivers (including Agency Drivers) complete the required Induction Processes and Procedures prior to undertaking any driving duties for the Council;
- Before commencing the training of any existing employee to drive Council vehicles, ensure that the requirements of paragraph 6.5 of this Policy are complied with, and
- All employees, Agency Workers and Contracted Persons that drive for Council work purposes complete the Driver Assessment and Authorisation to Drive form (4.C.477) upon appointment and thereafter as directed under Section 9.1.

## 4.7 Drivers

Drivers must be competent and capable of doing their work in a way that is safe for them and other people, this includes understanding they are accountable for the vehicles they drive and subsequent actions. Drivers are responsible for:

- Ensuring they have a current driving licence for the vehicle to be driven and business class insurance for any private vehicle;
- Ensuring that their Driver Qualification Card (DQC) card (where required) is valid;
- Ensuring that any load or passengers in the vehicle they are driving are being carried for the purpose of Council business only;
- Where appropriate, undertaking Driver evaluation tests ;
- Notifying their line manager of any driving conviction, loss of licence, illness or use of medication which may affect their ability to drive safely;
- Reporting any endorsable Fixed Penalty Notices incurred;
- Satisfying the eyesight requirements set out in the Highway Code complying with Road Traffic Rules and Regulations (including the Highway Code);
- Ensuring that they are medically fit to drive;
- Ensuring that they are not under the influence of alcohol, drugs or other substances;

- Complying with the Highway Code and all driving related legislation including tachograph requirements, speed limits, vehicle weight restrictions, reporting accidents, mobile phones, smoking etc.;
- Not using a mobile telephone or communication radio whilst driving;
- Maintaining their private vehicle in a roadworthy condition, if it is used for work purposes;
- If using a Council owned or leased vehicle, notifying the Central Transport Service of any defect via the vehicle's Defect Report (Form CVM/SF/07). Please note that the Driver Vehicle Check and Defect Report should also be used on a daily basis when no defects are present or, where applicable, the in-cab devices, in order to record that the required vehicle checks have been completed;
- Using a Digital Tachograph Unit (where fitted to the vehicle they are driving) for the purpose of recording their driving hours (exceptions will apply if the activity being undertaken falls out of scope of the EU Drivers Hours Rules);
- For vehicles of 3.5 tonne or more, ensuring that they commence a continuous break (45 minutes for LGV Drivers operating under EU hours, 30 minutes for LGV Drivers operating under British Domestic Hours rules) within 4.5 hours of the commencement of their working period;
- For vehicles less than 3.5 tonne, ensuring that they take a 30 minute break after 4 hours continuous driving and, if not continuous, a break of 30 minutes after a maximum of 6 hours working time;
- Ensuring on long journeys they take a 15 minute break at least every 2 hours;
- Not continuing with a journey if they feel unwell or too tired to drive safely;
- Making sure they are conversant with the advice contained in the Work Related Driving Policy – Guidance – Driver Assessment and Authorisation to Drive (5.C.178) and the Driver Handbook;
- Paying any fines imposed by relevant Enforcement Authorities in respect of offences committed whilst they were driving/responsible for a Council vehicle (e.g. speeding fines/parking fines/fines imposed in respect of other Highway Code offences) - please see Section 8.6 – Managing Drivers with Fixed Penalties;
- Completing the Driver Assessment and Authorisation to Drive form (4.C.477) upon appointment and thereafter as directed under Section 9.1, and
- Completing all records, etc. in clear and legible handwriting

**All Drivers who drive vehicles on behalf of the Council, either their own vehicle or a vehicle owned/hired by Council will be expected to drive safely, courteously and within the law.**

## 5.0 Vehicle Management Information Systems (VMI Systems)

As explained within this Occupational Road Risk Policy, arrangements are proposed to ensure the reporting, recording and investigating of all accidents and incidents from work related driving. In addition the Council needs to ensure that its vehicles are used safely, efficiently and effectively. Consequently, the Authority will install and utilise Vehicle Management Information (VMI) systems on its vehicle fleet which will be the subject of specific policies covering their use.

VMI systems may include:-

- Vehicle Tracking Devices;
- CCTV/external Vehicle Camera Systems;
- Digital Tachographs.

This list is not exhaustive.

These systems have essential benefits in protecting employee safety, protecting the security of the vehicle fleet and defending illegitimate claims against the Authority, as well as helping to ensure the Council can comply with its duties under s.172 of the Road Traffic Act and also the Health and Safety at Work Act.

Clearly, as there is a privacy element to use of these systems, a Privacy Impact Assessment is required for each individual system taking account of the ICO's Employment Practices Code. Prior to the procurement and installation of such systems the Information Governance and Risk Team will be consulted to ensure appropriate control measures are in place to satisfy existing privacy laws and looking ahead to the 'privacy-by-design' aspect of new data protection legislation which applies from May 2018.

Employees will be informed by their Directorate Service Area what Vehicle Management Information technology is being implemented and what their data could be used for.

## 6.0 Training Protocol

Before a new Driver can start work as a Driver for the Council, their suitability to drive must be assessed, and the correct authorisation form (4.C.477 – Work Related Driving Policy Authorisation to Drive) must be completed. Drivers will be assessed in the type of vehicle they will be driving for work purposes.

To pass the assessment, the Driver will need to demonstrate good awareness of work place safety and competence in driving the vehicle and any additional machinery / procedures encountered in the vehicles operation.

Assessors will provide documented and constructive feedback to the Directorate with any recommendations for further training prior to the Driver commencing work. The assessment will initiate the Drivers Record with the applicable risk rating applied.

The Council Driver Assessment will be based on the Health and Safety Executives Driver Ability Assessment and carried out in line with the type of vehicle and work environment in which the Driver operates – multiple assessments may be required for different vehicle type's e.g. mechanical brush and RCV.

For new Drivers who will only use their own car or pool car for Council work purposes, the suitability to drive assessment is not required, but the Authorisation to Drive form (4.C.477) must be completed.

### 6.1 Driver

All Drivers, prior to being included on the Drivers' Register, will undertake a full comprehensive driving assessment. During this assessment, a Risk Level is added to each Driver. This is based on any endorsable traffic offences relevant to their driving licence, disclosed medical conditions and driving style at the time of the assessment.

Where Drivers are deemed to be high risk, they will not be added to the Drivers' Register until further Driver Training has been completed, and the corporately appointed Driver/Trainer Assessor is satisfied that the level of driving is of a sufficient standard to be added to the Drivers' Register.

Drivers who drive vehicles in excess of 3.5 Tonne GVW are required to undertake legislative Driver Certificate of Professional Competence (CPC) Training. Drivers

who do not hold a valid Driver Qualification Card (DQC) are not permitted to drive vehicles over 3.5 tonne GVW. In addition, Toolbox Talks (“on the job” talks/advice) are provided to Drivers by individual services (where service needs deem this necessary) and by the Transport Manager/Driver Trainer- Assessor where areas of concern are identified.

## 6.2 Driver CPC (Certificate of Professional Competence)

Any Council Driver that is required to use any vehicle over 3,500kg or with 9 seats or more must hold a valid Driver Qualification Card (DQC) unless an exemption applies. Any queries regarding exemptions should be referred to the Transport Manager.

CTS is responsible for arranging the Councils Driver CPC Training and Directorates are responsible for enabling the Driver to attend Driver CPC Training.

The Driver is responsible for ensuring their DQC is valid.

On completion of the initial qualification new Drivers will receive a DQC. To retain the DQC, Drivers must complete a further 35 hours of periodic training every 5 years.

Drivers can check how many hours of Driver Certificate of Professional Competence (CPC) periodic training has been completed and can also create a temporary password for the Council to log in and view your record.

This can be done via <https://www.gov.uk/check-your-driver-cpc-periodic-training-hours>

**The Driver must always carry their Driver Qualification Card while driving a large goods vehicle or an in scope passenger-carrying vehicle professionally. CTS will carry out spot checks to ensure Drivers are compliant.**

## 6.3 Manager/Supervisor Training

It is a mandatory requirement that all Directors, Assistant Directors, Operational Managers, Managers and Supervisors will complete appropriate training so that they have all necessary knowledge and skills to satisfactorily discharge their responsibilities in relation to occupational road risk.

Appropriate training modules have been designed for the different categories of management to reflect the occupational road risk requirements in respect to their responsibilities and day to day role.

For existing employees, this training must be completed within 6 months of the implementation of this Policy. For new employees, the training must be arranged as part of the induction process and completed within 3 months of the start of their employment.

## 6.4 Training Matrix

A summary of the training requirements for Drivers is included as a matrix in Appendix 1.

## 6.5 New Driver Training Selection

Before commencing the training of any existing employee to drive Council vehicles, the relevant Manager must:

- undertake a risk assessment in respect of any employee whose current licence is endorsed with more than 6 penalty points and be satisfied that the employee will not present the Council with unacceptable risks if driving Council vehicles;
- in respect of a prospective LGV Drivers, be satisfied that they are capable of passing the initial LGV medical examination, and
- ensure the employee has signed an undertaking to repay all (or a proportion) of the training cost if they leave the employment of Cardiff Council within a period of 2 years from the date of completion of the training.

CTS should be contacted to arrange external training where required and where available arrange additional support to minimise external cost to the Council.

## 7.0 Legislative Requirements

In addition to the general day-to-day responsibilities of the Council, it is bound by many legislative requirements, in particular those indicated below:

**The Health and Safety at Work Act 1974** – requires employers to ensure, so far as is reasonably practicable, the Health and Safety of all employees and others who may be affected by work activities such as driving

**The Management of Health and Safety at Work Act 1999** – imposes a duty on employers to undertake suitable and sufficient assessments of work activities such as driving if there is a reasonable foreseeable risk of injury or ill health

**The Provision of Use of Work Equipment Regulations 1998** – requires employers to provide information, instruction and training to relevant employees on the safe use of equipment such as vehicles. The regulation also requires work equipment such as vehicles and associated equipment to be inspected and maintained to ensure their safe use.

**Terms and Conditions of the Authority's Operators' Licence** – an Operator's Licence (or 'O' Licence) is the legal authority needed to operate goods vehicles in Great Britain. A licence is issued by the Traffic Commissioner – the independent regulator of the commercial road transport industry. A Traffic Commissioner has powers to take regulatory action against a licence holder where they fail to meet the expected standards of operation and undertakings signed up to as a condition of the licence. This action includes curtailment (limiting or reducing the number of vehicles an operator is able to operate), suspension (temporarily stopping operations) or revocation (permanently removing an operator's licence to operate commercial vehicles).

The Council needs an Operator's Licence to operate vehicles above 3.5 tonnes gross vehicle weight (GVW) that are used to carry goods (i.e. anything not permanently attached to the vehicle) on public roads for trade or business purposes. This includes short-term rental vehicles hired for as little as one day.

The use of vehicles under 3.5 tonnes also has an impact on the operator licence and must be treated and managed in the same way as a large goods vehicle.

**Transport Rules and Regulations** – require all Road Transport Rules and Regulations be adhered to and, where offences are committed, appropriate action is taken to ensure, as far as is reasonably practicable, that such offences do not occur in future. This will include, but is not limited to:

- Highway Code
- Road Traffic Act 1989
- Regulations as laid down in Chapter 8 Code of Practice
- Terms and Conditions laid down in the Authority's Operator's Licence
- Drivers Hours rules

**Drivers Hours and Working Time Regulations** – the hours a Driver can drive are controlled by Regulations known collectively as the Drivers' Hours Rules. These rules maintain safety standards and deal with maximum driving times, breaks and minimum rest periods. Drivers' Hours Rules apply to both goods and passenger vehicles.

There are two sets of Drivers' Hours Rules which apply in the UK. The 'EU rules' cover Drivers of most goods vehicles over 3,500kg and the 'domestic rules' apply to Drivers of goods vehicles excluded from the EU rules on journeys within the UK. The domestic rules cover most operations within the Council.

## 8.0 Insurance and Accident Reporting

### 8.1 Motor Insurance Policy

The Council's motor Policy is on a fully comprehensive basis and the Policy covers loss or damage to and caused by all vehicles owned, operated, leased, loaned to or hired by the Council and used in connection with the Councils functions and activities by an authorised Driver. Any other use is unauthorised use.

The Policy covers Third Party (Legal Liability to anyone other than the Council for death, injury and property damage including legal costs) and damage to Council vehicles, including spares and accessories. The Policy only covers passengers that are being carried in a vehicle for the purposes of Council business – it does not cover any passengers being carried for other reasons

The Council has made a statement to its insurers around the use of its vehicles and particularly the carriage of passengers or goods, it has stated only authorised carriage should occur under any circumstances, failure to comply with this requirement may open the Council up to significant costs.

The Policy does not cover: depreciation/wear and tear; diminution in vehicle value; loss of use; damage to tyres by puncture, misalignment, etc.; failure to take reasonable action to look after insured vehicles e.g. leaving keys in unattended vehicle; unauthorised Drivers; unauthorised use or abuse of insured vehicles and hire of replacement of insured vehicle.

The first £500 of any claim will be borne by the Directorate, known as the Directorate excess. Any amounts over the £500 excess will be funded by insurance. A £250 Directorate excess is applicable to schools.

### 8.2 Motor Insurance Database – MID

The Council is required by law to register with the Motor Insurance Database (MID) details of the Council's vehicle insurance schedule. If a vehicle is not registered on the MID it is not insured and any use of the vehicle will be illegal. Details of all vehicles owned, leased, contract hired and on short term hire by the Council must be registered with the database. The Council is required to update this information and notify any changes within 14 days to the insurers/MID. CTS is responsible for updating the MID and the any changes should be notified to CTS immediately.

### 8.3 Managing Vehicle Accidents/Incidents/Near Misses

In the event of a motor vehicle incident the Council Driver must obtain third party information such as name, address, contact details, insurance company, witness details, number of third party vehicle occupants, details of any injuries and take photos if possible. A 'bump card' has been developed for the purpose of recording accident details (CIS ref to be provided by Insurance). Copies should be kept in each Council vehicle.

A brief description of the third party Driver and any passengers would be beneficial in dealing with any fraudulent claims. The Council Driver must also give the third party their name and contact details of their relevant supervisor. That supervisor must then contact CTS so that an investigation or Driver assessment can be initiated, when required.

The Council Driver must notify CTS of any damage sustained to the Council vehicle and if the Council vehicle is safe to drive, it must be returned to the CTS depot for inspection/repair. If the Council vehicle is deemed unsafe by CTS, then CTS will arrange recovery.

Following a driving related accident to a Council vehicle, the relevant Manager/Supervisor must:

- Submit fully completed LACHSweb online form with completed form 4FIN0005 attached must be submitted within 24 hours of the incident;
- Where a member of staff / member of the public is injured in a vehicle accident, form 4.C.043 / 4.C.045 must also be completed to ensure the accident is recorded, and
- Where a serious accident further Accident / Incident Investigation is required the following must be completed; Accident / Incident Investigation Report Form 4.C.500

Guidance on Accident Investigations is provided in the Council's Code of Guidance – Accident / Incident Investigation 1.CM.122

Drivers with multiple accidents must be managed appropriately by the Directorate to ensure the safety of the Driver, those who may be working with

them and members of the public. It should also be recognised that the Council cannot sustain multiple damage costs to vehicles or third party claims.

Vehicle repairs will be organised through CTS Fleet Support Officers and authorised by the Insurance Section.

The amount payable under the claim will be determined by the Insurance Section subject to the terms and conditions of the motor insurance Policy, also taking in to account the departmental excess.

The Insurance Section can request the Council's insurers to inspect an insured vehicle subject to any motor claim and an inspection will always be required where repairs exceed £5,000.

Drivers and their Directorates will cooperate in full to allow the Insurance Section to investigate and handle any claims. This may involve providing a witness statement and attending Court as a witness.

Where an employee is hurt as a result of vehicle related accident, this must be recorded in accordance with the Council's Accident Reporting policy (1.CM.012). Vehicle accident near misses should also be recorded in accordance with this policy.

## 8.4 Non Fault Accidents

The Insurance Section will pursue a claim against the responsible third party for the recovery of damage to the Council vehicle.

## 8.5 Driver Management Guidance

In order to ensure that a consistent approach is adopted when investigating incidents involving Council vehicles the following procedure will be used.

Where an incident involves any of the issues listed below, the Driver will be removed from driving duties immediately, whilst the incident is investigated by the relevant manager/supervisor:

- Overloading;
- Endorsable Road Traffic Offences;
- Serious Complaints concerning Driving;

- Dangerous Occurrences at Work;
- Injury to Driver or Others;
- Damage to Property/Plant/Vehicles (other than very minor damage, e.g. broken wing mirror) due to the possible negligence of the Driver;

The Driver's Line Manager / Supervisor will immediately remove the Driver from driving duties on a "without prejudice" basis and:

- Arrange for an incident investigation to be undertaken in accordance with the appropriate procedure, and
- Ensure that a report is prepared and submitted to the Operational Manager responsible for the area.

**In most cases, the Driver may be reinstated to driving duties immediately if the incident is minor and the Manager/Supervisor, having properly reviewed the incident, deems it appropriate. However, if the Driver is not reinstated immediately, they will be removed from the Driver Register for the required period.**

Whilst removed from driving duties, pending the investigation and any subsequent meeting to discuss the conclusions of the investigation, the Driver will be given non-driving duties and their average earnings rate of pay. There will be no detriment to pay during this period. During this period, the Driver will be allocated other duties within their Directorate.

The Operational Manager will arrange for a meeting to be convened with the Driver and their representative as soon as possible after receipt of the report, in order that the Driver may be informed of the conclusions reached and of any further action to be taken against them as a result of the conclusions.

Any subsequent investigations must be undertaken in accordance with the Council's Disciplinary Policy and Procedure.

If an issue arises with an agency worker, the matter will be referred to that worker's agency, as they are the employer.

## 8.6 Managing Drivers with Fixed Penalties

A fixed penalty notice (FPN) is a system whereby offenders are penalised for certain specified offences without being convicted in a court. It allows the offender to avoid a criminal record and saves time and resources of enforcement officers and the courts. The system is available to the police and DVSA Officers.

A Driver who receives a FPN for a driving related offence must inform their Manager immediately who must subsequently inform the Transport Manager. The Manager must also inform the Council's Insurance Service of any Drivers with current points for the following offences:-

- Uninsured driving
- Causing death by dangerous/reckless driving
- Driving under the influence of alcohol/drugs
- Anyone who has served a ban for 12 or more points under the totting up procedure.

The Council's Insurance Company requires the Council to keep a list of its employees who drive that have 6 points or more.

These requirements apply to pool car Drivers but not Drivers who only use their own car for Council work purposes

A Driver issued with an FPN can have a detrimental impact on the Council's ability to maintain its Operators Licence. On recording an FPN the DVSA may choose to manage the Council's Operators Licence by allocating a risk level. For this reason, upon notification that an employee has received an FPN, the Manager of the employee must assess whether any further actions are required. Such actions might include, but not be limited to, appropriate training, driving assessments, and a preliminary assessment in accordance with the Council Disciplinary Policy and Procedure.

## 9.0 Driver Administration and Recruitment

### 9.1 Driver Licence Entitlement Checking

It is an offence to drive a vehicle on a public road, as defined under the Road Traffic Act, without an appropriate licence for that vehicle. The Council may be prosecuted if it causes or permits the offence, and the Council’s insurers can refuse cover or look to recover all claim costs from the Council if the Driver does not have a valid driving licence for the type of vehicle being driven.

No employee can drive a vehicle on Council business until the Driver Assessment and Authorisation form has been completed and authorisation to drive given by the Manager. This ensures Drivers:

- hold a current licence for that category of vehicle;
- have not been disqualified from driving, and
- comply with any conditions on the licence (eg wearing glasses or using L-plates)

The frequency and the process to check is determined by the nature and risk of the Directorate’s work environment.

<b>Employee Type / Directorate Operation</b>	<b>Risk Level</b>	<b>Licence Entitlement Check Frequency / Type</b>
<p>Grey Fleet (e.g. employees who drive personal vehicles for council business)</p> <p>All Council Drivers</p>	<p>LOW RISK</p>	<p>Annual Entitlement Check</p> <p>New starters must complete 4.C.477 – Work Related Driving Policy Authorisation to Drive</p> <p>All Drivers are subject to an annual check and must complete 4.C.477</p> <p>Individual electronic checks can be carried out using the share my licence function (<a href="https://www.gov.uk/view-driving-licence">https://www.gov.uk/view-driving-licence</a>)</p> <p>Fleet Drivers will be subject to the Councils electronic check system and will be required to submit a</p>

		signed mandate to allow licence checking.
Van Drivers (up to 3499 kg)	MEDIUM RISK	Annual Entitlement Check
Vehicle Drivers <ul style="list-style-type: none"> <li>• 3500kg and over</li> <li>• All Drivers with 9 points</li> </ul>	HIGH RISK	Six Monthly Entitlement Check
Vehicle Drivers <ul style="list-style-type: none"> <li>• Mini-buses</li> </ul>	HIGH RISK	Six Monthly Entitlement Check
Following vehicle related incident	MANAGING RISK	Grey fleet / occasional Drivers - Share my licence function on Driver incident interview by the line manager  Fleet Drivers - Electronic Check
Employees with FPN's	MANAGING RISK	Frequency as below unless more frequent checks required to comply with requirements stated above:  0 – 5 points – every 12 months  6 – 8 points - every 6 months  9+ - every 3 months

## 9.2 Driver Records and the Driver Record Card

Keeping accurate Driver hours, training and entitlement check records will enable the effective running of all Directorates. This information will assist managers with PPDRs, training and making Driver management decisions.

These records are an important part in internal and external audits or inspections. Directorates may be audited by Central Transport Services, or by a recognised organisation such as the DVSA or Fleet Transport Association. These organisations will expect Directorate Driver records to comply with their inspection criteria.

It is the intention that everyone who has permission to drive in the Directorate will have their own training record, although this is not essential for employees where driving does not form part of their main duties (e.g. Grey Fleet Drivers). Records should be kept in a secure location to comply with The Data Protection Act 1998.

Driver's record information should be that to demonstrate the Driver's competency and skill levels including subsequent actions taken to manage performance, information includes:

- Licence Entitlement Checks
- What vehicles they are approved to drive e.g. LGV / Plant
- What training has been provided for each type of vehicle they are approved to drive
- Driving Hour Records including offence history and corrective action
- Training Certificates
- Driver CPC Records
- Vehicle Accident Records

## 9.3 Driver Recruitment

The following points must be carefully considered when recruiting new Drivers;

- How will the selection process test that Drivers are competent and capable of doing their work in a way that is safe for them and other people;
- What levels of skill and expertise are required to do the job safely and how do you ensure these are met?
- How will the selection process make sure Drivers are aware of work-related road safety and understand what is expected of them?
- The category(ies) of licence required, including the need for a digital tachograph card, and any training taken towards the Drivers CPC qualification if applicable;
- The minimum age limit for the licence(s);
- The amount of appropriate driving experience required, and
- The maximum number of penalty points on a person's licence that will be acceptable

**Note: Over 6 penalty points is considered to be unacceptable. Convictions for serious offences (e.g. Drink, and Construction and Use endorsements) that are not spent under the Rehabilitation of Offenders Act 1974 are also deemed as unacceptable. For vocational (LGV) licences Drivers must not have any current penalty points.**

When inviting candidates to interview for a driving position, Managers will ask them to bring along for checking;

- Driving licence (part of the check should be the electronic entitlement check – see Driving License Checking);
- Driver CPC Driver qualification card and copy of their statement of Driver CPC periodic training record (if appropriate);
- Digital tachograph Drivers card (if one is required for the vehicles they are required to drive);
- Any other certificates or evidence of training needed, and
- Where applicable the Driver must also be assessed for any other concurrent driving employment which could affect the hours of duty required by the Council.

A successful candidate must complete a Pre-Employment Health Questionnaire which will specify that driving is part of their work for the Council. The questionnaire will be assessed by the Council's Occupational Health Service who

will determine if the candidate is fit to drive for the Council. If the person is not fit to drive for the Council they will not be employed to drive for the Council.

**A new Driver cannot commence employment until the Driver Assessment and Authorisation to Drive form has been completed AND the Occupational Health Service has advised that the person is fit to drive.**

## 9.4 Recruiting Agency Drivers

Agency Worker Drivers play an important role in supporting the Council's needs, but using Drivers who are unfamiliar with an operation and unknown to the Council can increase the potential for an accident and or injury. To assess an agency's working practices, on recruitment the Directorate should investigate how the agency operates. Directorates should ask an agency 'how' rather than 'if' it regularly checks driving licences - as this will assist in providing a better picture of the organisation and how robust its procedures are.

Here are a few examples of the kinds of questions the Directorate MUST ask the Driver agency companies before it requests any Drivers be provided.

- How do you check a Driver's identity and employment eligibility in the UK and history?
- How do you regularly check driving licences and ensure Drivers are reminded of the medical/eyesight standards?
- How do you test Drivers for knowledge and competence in Drivers' hours and records rules, routine vehicle defect checks, and working time rules?
- How do you ensure Drivers are kept up to date on changing legislation?
- How do you ensure the Driver is of good health and what are the checks in place?

**It is recommended that the Directorate requests a copy of the agency Driver's driving entitlement check and training records prior to selection.**

## Appendix 1 – Training Matrix

**KEY**

On line module							
Practical							
Theory							
Theory (for supervisors / managers of vehicle over 3,500kg)							
	Driver (cars - small vans)	Driver (medium - large vans)	Driver (vehicle over 3,500kg)	Team Leader / Supervisor	Manager	Operational Manager	Assistant Director / Head of Service / Director
<b>Occupational Road Risk Awareness Module (New Module)</b>				x	x	x	x
Practical Driving Assessment	x	x	x				
<b>Occupational Road Risk Awareness Tool box talk (New Module)</b>	x	x	x				
Driving efficiently (CPC Module & In house training)			x				
Safety of loads on vehicles (CPC Module & In house training)		x	x				
Driver hours, working time, record keeping and tachograph operation			x	x			
Management of Drivers hours and records				x	x		
Operator Licence Awareness Course				x	x	x	
Transport Haulage CPC (nominated manager in high risk service area)					x		

