

## **Item: 10**

**Policy and Resources Committee: 1 March 2022.**

**Driving at Work Policy.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### **1. Purpose of Report**

To consider the updated Driving at Work Policy and associated handbook.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That the Driving at Work Policy, which was last reviewed by the Policy and Resources Committee on 26 November 2019, has been revised and updated.

#### **2.2.**

That revisions to the Driving at Work Policy has resulted in significant changes to the separate handbook, attached as Annex 2 to this report, which sets out arrangements and procedures for fleet drivers and vehicles, and also contains information for private car drivers.

**It is recommended:**

#### **2.3.**

That the updated Driving at Work Policy, attached as Annex 1 to this report, be approved.

### **3. Driving at Work**

#### **3.1.**

Driving is one of the most dangerous activities that is undertaken and driving for work tends to be riskier than driving for private reasons. For this reason, HSE Guidelines, 'Driving at Work', state that, "health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system".

### **3.2.**

The Council has a duty of care under health and safety legislation to ensure the safety of their staff, which includes any voluntary staff, passengers and anyone else e.g., other road users, who may be affected by their activities. Employers also have legal responsibilities towards their staff, and this applies whether the vehicles used are owned by the Council, by the member of staff or by any other party.

### **3.3.**

The Council recognises the importance of protecting employees and others from the hazards associated with work related driving. The Driving at Work Policy ensures the Council meets those legal obligations under the Health and Safety at Work Etc Act 1974, associated Regulations together with Road Traffic legislation.

## **4. Updated Driving at Work Policy**

### **4.1.**

The Driving at Work Policy was last reviewed by the Policy and Resources Committee on 26 November 2019 and subsequently approved by Council.

### **4.2.**

On 13 January 2022, the Senior Management Team reviewed the Driving at Work Policy and associated Handbook.

### **4.3.**

Unfortunately, due to the comprehensive rewrite of the Policy and the Handbook, it has not been possible to include track changes on this occasion.

### **4.4.**

The Policy, attached as Annex 1 to this report, has been rewritten and amended as follows:

- Inclusion of duties and responsibilities.
- Removal of unnecessary, and duplicate, content which has been incorporated into the handbook.
- Inclusion of revisions to the Highway Code, legislation and best practice in the management of occupational road risk.
- Provision of further clarity to drivers when using vehicles on Council business.
- Inclusion of additional responsibilities on drivers of heavy goods vehicles both in terms of notification of offences and impacts on the Council's Operators Licence.

### **4.5.**

Attached as Annex 2 to this report is the Driving at Work Handbook, which sets out arrangements and procedures for fleet drivers and vehicles, and also contains information for private car drivers.

## **5. Corporate Governance**

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **6. Financial Implications**

There are no financial implications arising directly from this report.

## **7. Legal Aspects**

Review of the Driving at Work Policy and approval of the updates proposed will help to ensure that the Council discharges its common law duty of care towards its staff and anyone else who may be affected by their activities. Review of the Policy and approval of the updates will also help to ensure that the Council meets its legal obligations under relevant Health and Safety legislation.

## **8. Contact Officers**

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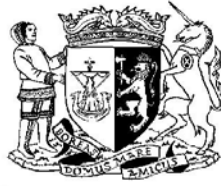
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## **9. Annexes**

Annex 1: Driving at Work Policy - January 2022.

Annex 2: Driving at Work Handbook – January 2022.



**ORKNEY**  
ISLANDS COUNCIL

# **Driving at Work Policy**

**March 2022 – March 2024**

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## 1. Introduction.

- 1.1 Orkney Islands Council recognises the importance of protecting employees and others from the hazards associated with work related driving.
- 1.2. This document outlines the Council's corporate policy for work-related driving using Council and employees' own vehicles. It describes what we are aiming to achieve and how we will do it. Linked policies and guidance include:
  - Health and Safety Policy.
  - Health and Safety Risk Assessment Guidance.
  - Adverse Event Reporting and Investigation Guidance.
  - Substance Misuse Policy.
  - Lone Working Policy.
  - Smoking Policy.
  - Use of Council Vehicles Outside Normal Hours Policy.
  - Travel Policy.
  - Driving at Work Handbook.
  - Employee Expenses General Guidance Document.
- 1.3. All of the above policies are available on the Council Intranet, or from your line manager.

## 2. Legal Requirements.

- 2.1. Implementation of the Driving at Work Policy will ensure that the Council meets its legal obligations under the Health and Safety legislation.
- 2.2. Drivers and those operating vehicles on behalf of the Council have a duty to observe road traffic law, some of which are administered by the Police and other agencies such as the Driver and Vehicle Standards Agency (DVSA).
- 2.3. We also expect all employees to observe the normal rules of the road as set out in the Highway Code.

## 3. Scope.

- 3.1. This policy and guidance will apply to:
  - Any driving activity undertaken during the course of work – this relates to the use of fleet plant and vehicles, pooled cars and private cars but will also include motorcycles, bicycles and all other categories of vehicles. Driver of fleet plant and vehicles will also need to comply with the specific instructions and guidance relating to these vehicles which should be obtained from the manufacturer, hirer or line manager.
- 3.2. It **excludes** commuting from home to your normal place of work but **includes** travel direct from home to a location that is not your normal work base.

- 3.3. The Driving at Work Handbook relates to the arrangements and procedures for all staff using a vehicle for Council business and includes fleet drivers and vehicles.

## **4. Duties and Responsibilities.**

### **4.1. Chief Executive.**

The Chief Executive, so far as is reasonably practicable, is responsible for ensuring the health, safety and welfare at work of all Council employees and others who may be affected by the Council's work operations. This will be achieved in accordance with the duties contained within the Council's Health and Safety Policy and associated guidance.

### **4.2. Corporate Directors/ Chief Officer.**

Responsible for ensuring arrangements are in place to check on the driving licences of employees in their service who are required to drive a vehicle on Council business as outlined in this policy and associated Driving at Work handbook.

### **4.3. Heads of Service.**

Ensure during the recruitment process that prospective employees who may be required to drive Council vehicles, hold a full valid UK driving licence containing a category of licence for the type of vehicle they will or may be required to drive as part of that employment. Ensure arrangements are in place to comply with this Policy and related Handbook.

### **4.4. Line Managers.**

- Ensure during the recruitment process that prospective employees who may be required to drive Council vehicles, hold a full valid UK driving licence containing a category of licence for the type of vehicle they will or may be required to drive as part of that employment.
- Will ensure a suitable and sufficient risk assessment is completed in respect of the driving activity.
- Should ensure that all drivers are provided with a copy of the Council's Driving at Work Handbook.
- Must refer staff who drive at work to Occupational Health if they suspect or receive a report which indicates that they have a health problem which could affect their ability to drive safely. The employee will be reassigned to non-driving duties pending the receipt and consideration of an Occupational Health report.

### **4.5. All Drivers.**

Whilst using a vehicle on Council business, all drivers will:

- Comply with the terms of this Policy and Driving at Work Handbook.

- Comply with the requirements of road traffic legislation.
- Comply with relevant sections of the Highway Code.
- Ensure that their licence is valid, that it covers the class of vehicle to be driven on Council business and that their driving complies with any conditions attached to that licence.
- Report any pre-existing notifiable medical conditions or the development of such a condition whilst in the employment of the Council to their Line Manager and the Driver and Vehicle Licensing Agency.
- Be able to satisfy the eyesight requirements set out in the Highway Code. If glasses or other corrective appliances are required to achieve this then they must be worn when driving.
- Report all traffic offences, licence endorsements or pending prosecutions to their line manager to enable the assessment of risk associated with a driving activity.
- HGV drivers must also report any offences, licence endorsements or pending prosecutions to the Fleet Manager in order to comply with Operator's Licence requirements.
- HGV drivers must carry their driving qualification card whilst driving on Council business.
- Drivers of HGV vehicles operated under the Council's Operator's Licence must also understand the commission or omission of any offence may impact on the ability of the Council to deliver services using vehicles covered by that licence.
- Where prosecuted or issued with a fixed penalty notice as a result of committing a motoring offence whilst driving on Council business will be personally responsible.
- Not consume alcohol or drugs (other than appropriate use of prescribed drugs and proprietary medicines) in the course of the working day or shift, including paid or unpaid breaks and standby duties and should ensure that their performance is not impaired by alcohol, drugs or prescribed drugs and proprietary medicines consumed out with working hours.
- Receive and refer to the Driving at Work Handbook before commencing any driving activity on behalf of the Council.
- Before driving a vehicle in connection with the business of the Council ensure relevant checks are carried out in accordance with the Driving at Work Handbook.
- Comply with the terms of any risk assessment.
- Not carry pets within the vehicle whilst used on Council business.

#### **4.6. Fleet Manager.**

- Ensure HGV licences are checked annually in line with the Operator's licence.
- Ensure matters arising from defect reports or driver's hours are completed for vehicles operating under the scope of the Operator's licence.



#### **4.7. Safety and Resilience Manager.**

- Administer arrangements surrounding the Orkney Islands Council Driving at Work Policy and Handbook.

### **5. Risk Assessment.**

- 5.1. The risk assessment procedure will apply to work related driving as it does in respect of any other work activity. The details contained within the Council's Health and Safety Policy and Health and Safety Risk Assessment Guidance will assist with the risk assessment process.
- 5.2. The most effective form of risk control is to eliminate the hazard. Therefore, it is important to consider whether a work-related driving activity is necessary. In the case of fleet operations, driving may be unavoidable, but the use of private vehicles may be avoidable by Teams or other means.
- 5.3. Where journeys are unavoidable then factors relating to the driver, the vehicle and the journey should all be considered in terms of risk.
- 5.4. The following risk information and guidance relates to journeys and journey planning and should be considered as part of the risk assessment procedure.

#### **Routes and Scheduling**

- 5.5. Where possible, routes which are regularly used should be planned to avoid risk (for example refuse collection routes to avoid crossing busy roads to empty bins).
- 5.6. Sufficient time must be allowed to complete journeys safely. Suitable breaks from continuous driving should be undertaken. The Highway Code, Rule 91 recommends generally a 15-minute break after 2 hours continuous driving.
- 5.7. Drivers of heavy goods vehicles or passenger goods vehicles must not drive for more than 4 hours without a sufficient break period and in any working day the maximum amount of driving permitted is 11 hours. This applies to driving on and off the public road.
- 5.8. Where relevant heavy goods vehicles are to be driven on the Scottish Mainland, drivers must first speak to the Fleet Manager to discuss the use of tachographs.

#### **Distance.**

- 5.9. Managers should consider whether long road journeys such as those to attend business on mainland Scotland can be avoided using alternative forms of public transport in accordance with the travel policy.
- 5.10. Where long journeys are unavoidable then consideration should be given to means of preventing driver fatigue. This should include scheduling breaks

and possibly organising overnight accommodation for the driver. A risk assessment needs to be undertaken and approved prior to the start of any journey.

- 5.11. Regardless of any time constraints, all drivers should be made aware that if they feel tired whilst driving, they must stop in a safe place and take a suitable rest. They should not recommence the journey until the feeling of tiredness has passed.

### **Weather.**

- 5.12. Drivers should consider weather and tidal conditions before they embark on journeys and managers should apply the same criteria about their risk assessment of the pending journeys. Weather hazards include snow, ice, flooding, wave over-topping and debris. Drivers and managers should pay attention to local and national weather forecasts and in particular any weather warnings that may be issued for and on route to the anticipated travel location.
- 5.13. Drivers should not be expected to make non-essential (non-emergency) journeys when weather conditions are exceptionally difficult. If the weather deteriorates during the course of a journey, then the driver should determine whether it is safer to complete the journey or return to the work base.
- 5.14. Journeys should, wherever possible, be rescheduled to take account of adverse weather conditions.
- 5.15. During winter months the weather can change suddenly. It is important therefore that drivers take great care before setting out and returning on a journey and ensure that the vehicle is equipped for conditions that may arise. In this respect it is important to ensure the safety checks contained within the Driving at Work Handbook are carried out.
- 5.16. Particular attention should be given to the crossing of the Churchill Barriers at times of high winds and tide. Drivers and managers should check whether the Churchill Barriers are open and / or are likely to close and be mindful of the return journey. For those who have access to social media / Portal, etc., details can be found on the OIC Updates Facebook page, OIC Roads Twitter feed and on the Council's Portal home page.
- 5.17. During periods of inclement weather, Police Scotland will offer advice to motorists which will be categorised as follows: Travel with caution; High risk of disruption or Avoid travel on the roads. These will not be issued in isolation and will come with a descriptor and links where additional advice can be sought. Usually, these warnings will follow warnings issued by the MET Office National Severe Weather Warning Service. Drivers should always drive appropriate to the conditions and line managers should ensure that where warnings are issued appropriate risk assessments are carried out. Further advice is contained within the Travel Policy.

## **6. Green and Active Travel.**

- 6.1. Walking, wheeling and cycling, known collectively as active travel, can be incorporated into our daily lives with little effort or cost. It is the easiest and most cost-effective way to exercise and carry out purposeful journeys such as getting to and from work. Active travel can therefore provide health benefits, save money and create a nicer environment to live in by reducing the number of cars on our roads and thus reduce harmful CO2 emissions.
- 6.2. More information on Green Travel can be found in Orkney's [Green Travel Plan](#).

## **7. Authorisation and use of Council vehicles by Council employees.**

- 7.1. Employees will not be allowed to drive / operate a Council vehicle unless authorised to do so by their line manager.
- 7.2. As part of the authorisation process the employee must provide original documentary evidence which will be examined as outlined in this policy. Drivers who are unable to provide the evidence of competency to drive will be unable to drive vehicles or carry out any driving related activity until this has been resolved.
- 7.3. Vehicles will only be used for the purposes of Council business, and by such persons and in such a manner as the Chief Executive, Executive Director or Chief Officer directs. Private use of Council vehicles / plant is not permitted. Use of Council vehicles and plant for personal matters is regarded as a disciplinary matter and could constitute a criminal offence. The cost of any loss, damage or liability, incurred by the Council, by an employee using a vehicle without permission will be recovered from the individual.
- 7.4. Travel to or from work in a Council vehicle will not normally be permitted unless it is an emergency or there is an overriding operational reason, such as standby duties previously agreed by the employee's line manager. The unofficial or unauthorised use of a Council vehicle including the carrying of unauthorised passengers is prohibited in accordance with the Use of Council Vehicles Outside Normal Hours Policy.
- 7.5. All use of vehicles will be recorded in such logbooks, defects books and drivers' hours' log as the Chief Executive, Executive Director or Chief Officer, in consultation with the Fleet Manager, may require.
- 7.6. Drivers of fleet vehicles will be provided with a copy of the Council's Driving at Work Handbook which contains advice and information on a variety of road safety topics. Managers and supervisors of fleet drivers should ensure that the contents of the handbook are discussed with drivers at workplace meetings to reinforce the road safety and operational requirements relating to fleet vehicles.

- 7.7. In addition to a vocational licence, all drivers of goods vehicles over 3.5 tonnes and all passenger carrying vehicle (PCV) drivers are required to hold a Certificate of Professional Competence (CPC). One exemption from Driver CPC is for vehicles used for the non-commercial carriage of passengers or goods for personal use. All drivers of goods vehicles over 3.5 tonnes must complete 35 hours periodic training every five years after the initial period until they stop driving.
- 7.8 Council vehicles being used out with Orkney will also require to be covered by breakdown cover. Cover should be arranged with the Insurance Officer prior to travel with a breakdown card uplifted from the Fleet Manager.
- 7.9. All drivers will comply with the requirements as outlined in Section 4.5 of this Policy.

## **8. Authorisation and use of private vehicles by Council employees on Council business.**

- 8.1. Employees will not be allowed to drive a vehicle on Council business unless authorised to do so by their line manager.
- 8.2. As part of the authorisation process the employee must provide original documentary evidence which will be examined. Drivers who are unable to provide evidence of competency will be unable to drive vehicles or carry out any driving related activity until this has been resolved. Drivers will not be reimbursed in respect of any claim for mileage until the above conditions have been fulfilled. There is no requirement for services to retain evidence of the business use requirement, however this check must be carried out at least annually.
- 8.3. Where the employee intends to use more than one private vehicle for driving on Council business, they will be asked to provide proof of insurance for business use and a valid MOT certificate for each vehicle.
- 8.4. Reimbursement will only be made in respect of mileage. Reimbursement of any expenses for the authorised business use of a private vehicle will be made at the agreed rates for Elected Members and staff who are properly insured in respect of that vehicle for business use. For details on how to claim mileage, please refer to the Employee Expenses General Guidance Document.

## **9. Authorisation for Council employees driving a Hire Car on Council business in Orkney.**

- 9.1. Car hire should only be permitted, where it can be proven to be the most cost-effective method of transportation. Car hire should be restricted and should only be granted in the interest of personal safety, when time is constrained or where suitable public transport is not available.

- 9.2. Car hire arrangements on the outer islands are extremely limited and before travelling you should ensure any availability.
- 9.3. An employee must be approved to hire a car and specific authorisation must be obtained from a Head of Service prior to the date of travel. Once agreement has been reached, details of the vehicle, period of hire and driver should be sent to the Insurance Officer.
- 9.4. Car hire out with Orkney is detailed in the Travel Policy.
- 9.5. Upon receipt of the vehicle, the driver should undertake checks in accordance with the Driving at Work Handbook Section 4.

## **10. Members of Voluntary Organisations driving Council Vehicles.**

- 10.1. Voluntary Organisation drivers will only be permitted to drive a Council vehicle if their name appears on the Authorised Driver Database which is updated and distributed to the Services which have vehicles used by the Voluntary Sector. This will be in accordance with the Code of Practise for the Use of Orkney Islands Council Vehicles by the Voluntary Sector Organisations.

## **11. Health and Disability.**

- 11.1. Some medical conditions or disabilities may affect a driver's entitlement to hold a driving licence for certain categories of vehicle or have a condition attached to the licence requiring compliance e.g. wearing of glasses. It is the driver's responsibility to seek advice from their doctor if suffering from any illness or disability which may affect their driving ability. If a driver has a medical condition or disability which may affect their ability to drive or hold a vocational licence, they must inform their line manager and the DVLA immediately. This includes where an existing condition deteriorates, or a new condition develops.
- 11.2. A medical test must be carried out on all drivers applying for a vocational driving licence prior to being granted a provisional licence / licence. After the age of 45 a medical has to be carried out every five years until the age of 65 when it becomes an annual requirement.

## **12. Vehicles.**

- 12.1. The following requirements relate to vehicles / plant and should be considered as part of the risk assessment process outlined in section 4.

### **Suitability.**

- 12.2. The Council is responsible for the procurement, supply, maintenance and repair and licensing of fleet vehicles and plant for Council services.

- 12.3. The Council will ensure that all vehicles meet the specification for operational usage set out by the ordering service and are fit for purpose when submitting requests for new and / or replacement assets.
- 12.4. The vehicle you may be given to use could be a conventional ICE (internal combustion engine), electric vehicle or hydrogen powered. In addition to the conventional checks listed within the Driving at Work Handbook, you may require additional familiarisation in relation to these vehicle types.

#### **Condition.**

- 12.5. Fleet vehicles are maintained by the Council, but drivers are required to carry out regular basic safety checks in accordance with the Drivers Checks and Defect Reporting arrangements in the Driving at Work Handbook.

#### **Safety features and information.**

- 12.6. All drivers should carry out regular basic safety and familiarisation checks in accordance with the OIC Driving at Work Handbook vehicle safety section.
- 12.7. The Council vehicle you are using may be fitted with telematics which can give important information with regard to the GPS position of a vehicle, its speed and direction. On no account should this be interfered with as part of a normal driving operation.

### **13. Transporting Passengers.**

- 13.1. Vehicles and plant owned or hired by the Council must only be used to carry goods and passengers on properly authorised Council business. Authority is only given when:
  - The journey / operation is for official council business and / or,
  - The employee is acting on the instructions of an authorised officer of the Council.
- 13.2. Only the following authorised passengers will be carried in Council vehicles:
  - Council employees engaged in work for and on behalf of the Council.
  - Persons, not Council employees, who are properly authorised and who are engaged on work for and on behalf of the Council.
  - Persons being carried in the event of an emergency.
  - Persons being transported as part of a Council service.

### **14. Insurance for Council Vehicles.**

- 14.1. The Council maintains insurance for its motor fleet and hired-in plant. Cover is strictly for Council business only, with no other use being permitted.
- 14.2. The only exception to this is vehicles which are covered for use by certain approved Voluntary Charitable or Welfare Groups.

- 14.3. Certificates of Motor Insurance are available on request from the Council's Insurance Officer.

## **15. Minibus Driving.**

- 15.1. Minibuses are defined as a motor vehicle designed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver. A Council minibus will not be regarded as a public service vehicle (PSV) if it is not operated for hire and reward.
- 15.2. All employees who drive a Council minibus must hold a category D1 driving licence. In addition, some non-profit making operations that fall into the definition of hire and reward may be undertaken under the cover of a section 19 or 22 permit, contained within the Transport Act 1985, which may avoid the requirement for the operator to hold a Public Service Vehicle Operator (PSV'O') licence. Consult the Fleet Manager if you require clarification.
- 15.3. Where identified by way of risk assessment, additional training such as the Minibus Driver Awareness Scheme (MIDAS) should be provided for Council minibus drivers.

## **16. Motorcycles and Bicycles.**

### **Motorcycles.**

- 16.1. The Council will authorise the use of a motorcycle for work related driving subject to:
- The driver holding a current licence relating to the class of vehicle.
  - The motorcycle being maintained in a roadworthy condition.
  - The driver wearing a helmet and other protective clothing to comply with legal requirements and the relevant sections 83 to 88 of the Highway Code.
  - Compliance with all other relevant aspects of this policy with particular reference to the requirement for risk assessment and the need for insurance cover including business use and, where required, a MOT certificate.

### **Bicycles (including e-bikes).**

- 16.2. The use of bicycles and e-bikes for work purposes is permitted subject to the cyclist wearing the following outlined in the Highway Code:
- A cycle helmet which conforms to current regulations is the correct size and securely fastened.
  - Appropriate clothes for cycling, avoiding clothes which may get tangled in the chain or wheels or obstruct the lights.
  - Light coloured or fluorescent clothing easily visible to other road users both during normal daylight and poor light.

- Reflective clothing and / or accessories (belt, arm or ankle bands) in the dark.
- 16.3. The bicycle or e-bike must be maintained in a roadworthy condition and be suitably adjusted to fit the physical requirements of the rider as outlined in the Highway Code.
- 16.4. The cyclist should also conform to all other requirements set out in sections 59 to 82 of the Highway Code.

## **17. Use of Mobile Phones in Vehicles.**

- 17.1. It is an offence to use a hand-held mobile phone while driving a vehicle.
- 17.2. It is also an offence for an employer to encourage or permit employees to use handheld mobile phones while driving.
- 17.3. The Council Policy is that whilst driving vehicles in the course of Council business, all drivers will not use any hand-held or hands-free device. This is aligned to the following guidance, found in the Highway Code:

### *Rule 149*

*You **MUST** exercise proper control of your vehicle at all times. You **MUST NOT** use a hand-held mobile phone, or similar device, when driving or when supervising a learner driver, except to call 999 or 112 in a genuine emergency when it is unsafe or impractical to stop. Never use a hand-held microphone when driving. Using hands-free equipment is also likely to distract your attention from the road. It is far safer not to use any telephone while you are driving or riding - find a safe place to stop first or use the voicemail facility and listen to messages later.*

*The law still applies to you if you're stopped at traffic lights or queuing in traffic.*

## **18. Smoking in Vehicles.**

- 18.1. The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 were issued under the authority of the Smoking, Health and Social Care (Scotland) Act 2005. The Regulations, among other things, specify premises where smoking is prohibited and premises where smoking rooms may be allowed. Schedule 1 of the Regulation include vehicles used for work.
- 18.2. On 5 December 2016, it became an offence in Scotland to smoke within a vehicle if there was a child under 18 years of age present in the vehicle whilst in a public place.
- 18.3. The Council's Smoking Policy prohibits smoking in all Council-owned vehicles or in leased or private vehicles during work duties.



- 18.4. All Council-owned vehicles must have the prescribed legal notice displayed to indicate that smoking is not permitted in the vehicle.
- 18.5. None of the foregoing applies to e-cigarettes, however it will be Council Policy to prohibit the use of e-cigarettes in the same way as smoking.

## **19. Accidents and Support.**

### **Accident Procedure.**

- 19.1. If a driver is involved in an accident whilst driving at work which has caused injury to persons, property, other vehicles and animals (horse, cattle, ass, mule, sheep, pig, goat or dog) not carried in a vehicle then the driver must stop and report the incident to the police.
- 19.2. In the event of an accident whilst driving at work the driver should:
  - Stop the vehicle in a safe place, turn off the engine and switch on the hazard lights.
  - Call the appropriate emergency services, if required.
  - Take photographs where appropriate and safe to do so.
  - Complete the accident card.
  - Tear off the right-hand side of the card and pass to the other driver.
  - Contact his or her line manager; the Fleet Manager; and the Insurance Officer.
  - Not attempt to move the vehicle until advised by the Police and it has been checked that it is safe to drive.
  - The driver should not admit liability.
- 19.3. The driver is also legally required to supply personal details and details of their insurance to the Police and other drivers; if the insurance information is not available in the vehicle then the Police must be notified of the details as soon as is reasonably practicable and in any case within 7 days of the accident. This will remain the responsibility of the driver and the appropriate insurance details can be obtained from the Council Insurance Officer or through the line manager.

### **Accident Reporting.**

- 19.4. All accidents involving driving at work, which result in damage and / or personal injury to the driver and passengers must be notified to the Line Manager at the earliest opportunity and should thereafter be recorded on the Council's Adverse Event form and forwarded to the Council's Safety and Resilience service.
- 19.5. Line managers should investigate accidents involving driving at work to determine whether there was an underlying occupational risk. The risk assessment process outlined in section 5 of this policy should be reviewed to

include any additional control measures identified to help prevent a recurrence. Reference should also be made to the Council's Adverse Event Reporting and Investigation Guidance.

- 19.6. In the event of an incident involving a Council fleet vehicle an incident report should be completed by the Service Manager responsible for the vehicle / driver and forwarded to the Fleet Manager. This will be reviewed by the Fleet Manager who will advise the respective Line Manger if further investigation is required. If further investigation is required the lead officer, supported by the Fleet Manager would focus on the immediate and underlying causes of the accident, from which an accident investigation report would be produced, this would be reviewed, and any remedial action(s) implemented by the relevant Executive Director in consultation with the Head of Service and Safety and Resilience service.

#### **Post-accident Support.**

- 19.7. Line managers should ensure that appropriate information on sources of external counselling is provided to drivers who are involved in work related driving accidents, depending on the severity of the incident and the potential impact the incident may have on the drivers' ability to resume normal duties. In certain circumstances it may be necessary to consider reassignment to non-driving duties for a period of time.

## **20. Reversing.**

- 20.1. Nearly a quarter of deaths involving vehicles at work occur during reversing. Many other reversing accidents do not result in injury but can cause costly damage to vehicles, equipment and premises. Most of these accidents can be avoided by taking simple precautions.

- 20.2. The best way to avoid reversing accidents is to remove the need for reversing altogether. Where reversing is unavoidable, routes should be organised to minimise the need for reversing. The following may not necessarily be pertinent to all drivers, however due to the risks associated with reversing large vehicles will be mandatory where reversing cannot be avoided:

- Reversing areas should be planned out and clearly marked.
- People who do not need to be in reversing areas should be kept well clear.
- Using a trained signaller (also known as a banksman) both to keep the reversing area free of pedestrians and to guide you as the driver. A banksman will be mandatory for certain reversing tasks which will be identified in the job risk assessment and method statement.
- You should ensure your banksman is visible to you and is wearing highly visible clothing such as an appropriate reflective vest.
- If you lose sight of your banksman you should stop your vehicle immediately.

For further advice and guidance on reversing of vehicles, please follow the link below:

<http://www.hse.gov.uk/workplacetransport/information/reversing.htm>.

## 21. Document Control Sheet

Review / approval history.

| Date.            | Name.                           | Position. | Version Approved. |
|------------------|---------------------------------|-----------|-------------------|
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| October 2021. | Les Donaldson.               | 1.7.     |         | Reviewed and updated.                 |

## **Appendix 1: Safe Driving Summary.**

**Drivers are responsible for ensuring that their vehicle is always in a roadworthy condition and that they comply with the relevant Legislation and Council policy. In addition, they should:**

- Drive safely and in accordance with the Highway Code.
- Be aware of and comply with Health and Safety requirements.
- Observe speed limits.
- Ensure that they hold a valid and current licence for the category of vehicle they drive.
- Remove any identification lanyards whilst driving. The force of an airbag inflating is fairly severe, so any plastic or metal object in the chest / torso area has the potential to cause injury if it gets pushed back into the body.
- You should not have any loose material in the cab/ front of the vehicle / in your lap when driving for work as these may cause injury in the event of an accident.
- Ensure the safety and comfort of passengers.
- Report any accidents whilst driving at work.
- Inform the Council immediately in the event of any change in medical condition or medication that a GP may reasonably judge as impacting on an employee's ability to undertake his/her duties.
- Notify the Council immediately when a change occurs and / or in advance of accepting employment or any change to roles or responsibilities.
- Inform the Council and the DVLA of any medical condition or disability that affects their ability to drive.
- Maintain control of the vehicle at all times.
- Take particular care when reversing and only reverse when it is absolutely necessary.
- Ensure that the vehicle is insured for business use.
- Report defects immediately.
- Keep the vehicle clean.
- Present the vehicle promptly for safety checks / servicing.
- Always ensure that the vehicle is correctly loaded.
- Comply with the Regulations in respect of Drivers' Hours and the keeping of work records, where appropriate.
- Advise their line manager of any work, especially driving, that they undertake for another employer.
- In the event of an accident or breakdown, not put themselves or any passengers at risk.
- Carry out regular vehicle maintenance checks

**Drivers should not:**

- Consume alcohol or drugs (other than appropriate use of prescribed drugs and proprietary medicines) in the course of the working day or shift, including paid or unpaid breaks and should ensure that their performance is not impaired by alcohol consumed prior to starting work.
- Drive a vehicle whilst ill or taking medication unless a doctor has confirmed it is safe to do.
- Drive with poor eyesight. If prescribed, spectacles or corrective lenses must be worn.
- Use a mobile phone whilst driving unless by means of a hands-free kit, or Bluetooth.
- Drive or continue to drive if they are tired.
- Use any vehicle or operated equipment for any other purpose than in connection with their duties.



# **Driving at Work Handbook**

**March 2022- 2024**

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## **1. Introduction.**

- 1.1 Driving is one of the most dangerous activities that we do and driving for work tends to be riskier than driving for private reasons. For this reason, HSE Guidelines, 'Driving at Work', state that, "health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system".
- 1.2 All organisations have a duty of care under health and safety law to ensure the safety of their staff, which includes any voluntary staff, passengers and anyone else (e.g. other road users) who may be affected by their activities. Employers also have legal responsibilities towards their staff, and this applies whether the vehicles used are owned by the company, by the member of staff or by any other party.
- 1.3 Orkney Islands Council recognises the importance of protecting employees and others from the hazards associated with work related driving. The Driving at Work Policy ensures the Council meets its legal obligations under the Health and Safety at Work legislation.
- 1.4 When anyone drives for work, both the employer and the individual employee share the responsibility of making sure that the risks are properly identified and managed. This requires effective planning.
- 1.5 It is essential that all drivers play their part, and this booklet is designed to help you as a driver work with your employer to avoid accidents and injuries to yourself, your passengers and other people on the road while you are driving.
- 1.6 This handbook relates to the arrangements and procedures for fleet drivers and vehicles but also contains information for private car drivers. The Driving at Work Policy (which is available on the portal) makes you aware of the Orkney Islands Council's policies on driving practices and related policies and guidance and this handbook works alongside the policy.

Further useful information on driving can be found on the following website:  
<https://www.gov.uk/guidance/the-highway-code>.

## **2. Legal Matters.**

- 2.1 The Council needs to know that you are:
  - Legally entitled to drive the type of vehicle you are using.
  - Using a vehicle that is safe and meets legal requirements for its use on the road.
  - Properly trained and competent to drive it safely.
  - Using it for suitable purposes.

### **3. The Driver.**

#### **Driving Licence.**

- 3.1 It may be a condition of your employment with Orkney Islands Council that you hold a full UK driving licence. It is your responsibility to ensure you are driving in accordance with the Council's Driving at Work Policy.
- 3.2 Regardless of the vehicle you are using, services will have a system in place whereby your licence is checked at least annually. Administrative arrangements will ensure that when requested, you will provide a licence 'check code' to share your driving record. A copy of this is obtainable from <https://www.gov.uk/view-driving-licence> and you will require your national insurance number and the postcode that appears on your licence.
- 3.3 Once you have provided the code, it will give administrative access to your details to ensure you have:
  - A full driving licence,
  - Possess the correct categories of driving authorisation
  - There are no special conditions on your licence that would impact on your ability to drive as part of your employment.
  - You have no additional penalty points.

#### **Certificate of Professional Competence (CPC).**

- 3.4 Drivers who are required to drive Heavy Goods Vehicles, Buses or coaches are required to undertake 35 hours of periodic training every 5 years to keep your Driver Certificate of Professional Competence (CPC). This will also be checked as part of the requirements of the Council's Operators Licence.

#### **Certificate of Motor Insurance.**

- 3.5 Where a vehicle is being driven is owned by the Council, they will ensure it is properly insured for the intended use of the Council's business. If you operate the vehicle out with its intended use you may be prosecuted and steps taken to recover associated costs.
- 3.6 If you are driving your personal vehicle on Council business, you must ensure you have a certificate of motor insurance which includes business use. Normally, a policy will include social, domestic and pleasure use. If you use your vehicle to commute to your work, you should ensure this is likewise covered within your policy.
- 3.7 Where you drive your personal vehicle for business use, you will provide evidence of insurance as part of the administrative arrangements. This will extend only to satisfy your cover for business use.
- 3.8 If you are stopped by Police whilst driving a Council vehicle, officers will have access to the Motor Insurance Database which will hold details of the Council's insurance. In the unlikely event that you are required to provide

evidence of insurance you should make contact with the Council's insurance officer who will provide the relevant details.

### **Fitness to Drive.**

- 3.9 The Council needs to know that you:
- Are fit to drive at all times.
  - Do not drive when affected by alcohol, drugs or medicines.
  - Do not drive when affected by illness.
  - Do not drive when you are too tired to do so safely.
- 3.10 You must inform your employer about any health issue or personal circumstances that may affect your driving. You are also legally required to inform the DVLA (Driving and Vehicle Licensing Agency) of any medical condition that may affect your ability to drive safely.

### **Eyesight.**

- 3.11 The minimum legal eyesight standard for driving is that you can read a new style number plate (for example: AB 123 ABC) at a distance of 20 metres (around 65 feet), or an old style number plate (for example: A 123 ABC) at a distance of 20.5 metres (67 feet). If you have to use glasses or contact lenses to do this, then they must be worn when driving.
- 3.12 As there are other eyesight requirements not included in the above which include vision acuity (sharpness), it is strongly recommended that you have your eyesight checked regularly (at least every two years, where you sense a deterioration in your eyesight, when recommended more frequently by your optician or if requested as part of an occupational health review).

### **Alcohol.**

- 3.13 Employees must not consume alcohol in the course of the working day or shift and must avoid drinking alcohol in the hours before they will be driving (for example, in the morning, at lunchtime). It can take several hours for alcohol to be removed from your body, and you may still be over the limit or affected by alcohol the morning after you have been drinking.
- 3.14 Further guidance is contained within the Council's Substance Misuse Policy.
- 3.15 Alcohol impairs judgement, making drivers over-confident and more likely to take risks. It slows their reactions, increases stopping distances, impairs judgement of speed and distance and affects vision. Even a small amount, well below the legal limit, seriously affects the ability to drive safely.
- 3.16 The legal drink drive limit in Scotland is different to that of the other Countries in the United Kingdom. The current level is 50 milligrammes of alcohol per 100 millilitres of blood. Drivers with a blood alcohol concentration between 20 and 50 milligrammes are three times more likely to be in a fatal crash. If their blood alcohol concentration is between 50 and 80 milligrammes per 100

millilitres of blood, this likelihood increases to six times and if it is between 80 and 100 milligrammes, it is 11 times more likely that the driver will be in a fatal crash.

### **Illegal Drugs.**

- 3.17 Do not drive if you have taken any illegal drugs. They can affect your decision-making and driving skills, as well as your physical and mental condition and behaviour.

### **Medicines.**

- 3.18 Check with your GP or pharmacist whether any over-the-counter or prescribed medicines you are taking are likely to affect your driving (for example, by causing drowsiness). If so, ask for an alternative that does not, or avoid driving.
- 3.19. Always check the label of medicines and the Patient Information leaflet to see if there are any warnings. If the label says that certain side-effects may occur, assume that they will do so.
- 3.20. If you are taking prescribed medicines that may affect your ability to drive or operate plant or other equipment you should alert your line manager.
- 3.21 Driving a vehicle whilst under the influence of drugs, whether legally prescribed or otherwise, may constitute an offence.

### **Illness.**

- 3.22. Illness can also affect our ability to drive. We can often be tempted to 'soldier' on when in fact it would be safer for everyone concerned not to drive until we are feeling better.
- 3.23. A medical examination must be carried out on all drivers applying for a vocational driving licence prior to being granted a provisional licence / licence. After the age of 45 a medical has to be carried out every five years until the age of 65 when it becomes an annual requirement.
- 3.24. Managers must refer staff who drive at work to Occupational Health if they suspect or receive a report which indicates that they have a health problem which could affect their ability to drive safely. The employee will be reassigned to non-driving duties pending the receipt and consideration of an Occupational Health report.

### **Fatigue.**

- 3.25 Consider whether you are likely to be drowsy or sleepy while driving. Tired drivers are more likely to crash, especially on long monotonous journeys and in the early hours of the morning.
- 3.26 Discuss any problems with your line manager.

## **Mileage Claims.**

- 3.27 If you are using a private vehicle on Council business, you are entitled to claim relevant mileage. This will be determined in agreement with your line manager and on no account will mileage be paid unless you have provided the necessary documentation to ensure your use of the vehicle complies with the requirements of the Council Driving at Work Policy and this Handbook.

## **4. The vehicle.**

### **MOT Certificate.**

- 4.1 If you are driving a Council vehicle over three years old, it will require to undergo a Ministry of Transport Inspection. Now operated by the Driving and Vehicle Standards Agency (DVSA) the more commonly known MOT certificate provides evidence of compliance with certain requirements at the time of the check. The Council will ensure the vehicle is inspected and has passed its MOT inspection.
- 4.2 If you are using your private vehicle on Council business, and your vehicle is over three years old likewise you will need to provide evidence that the vehicle has a current MOT Test Certificate. This check can now be carried out online at <https://www.gov.uk/check-mot-status> .

### **Vehicle Excise.**

- 4.3 Every vehicle being driven on public roads in UK is required to have a vehicle excise, which is sometimes referred to as car tax or road fund licence in place. If you are driving a Council vehicle this will be taxed for your use.
- 4.4 If you are using a personal vehicle for Council business, you will be liable to ensure the vehicle is taxed. Similarly, by clicking the link in the preceding paragraph details of the status of your vehicle car tax can be determined.

### **Vehicle Safety.**

- 4.5 Vehicle defects are only involved in a small proportion of crashes. However, the type of vehicle also has a major influence on the likelihood and severity of injuries when there is a collision.
- 4.6 As the driver, you are also responsible for ensuring that the vehicle you are driving is safe and legal.
- 4.7 Before driving any vehicle, check:
- Tyres are undamaged (no cuts or bulges), are at the correct pressure for the number of passengers or equipment being carried and have enough tread depth. The legal minimum is 1.6 millimetres, but above 3 millimetres gives much shorter braking distances in the wet.
  - There are no signs of vehicle damage.
  - Oil, coolant and windscreen wash levels are correct (check when cold).
  - You know the correct type of fuel for the vehicle.

- Brakes are working.
  - Lights, indicators and reflectors are clean, in good condition and working.
  - Lights are adjusted to compensate for any load.
  - Head restraints are adjusted to compensate for the effects of whiplash.
  - Windscreen and windows are clean and free from defects.
  - Washers and wipers are working.
  - Mirrors are clean and correctly positioned.
  - All occupants are using their seat belts and head restraints are adjusted correctly.
  - Loads are securely restrained.
  - During periods of inclement weather ensure you clear all windows of ice and remove all loose snow from the vehicle, including the roof.
- 4.8 There may be additional checks required dependent on the vehicle – refer to the manufacturer’s manual or your line / fleet manager.
- 4.9. If you find any problem during the check, report it to your manager immediately.
- 4.10. You should not drive a vehicle unless it is in a safe and legal condition for its intended use. Where a defect has been identified, you should not drive it until that fault has been rectified and it is safe to do so.
- 4.11. Finally, consider whether the vehicle is suitable for the task - for example:
- If carrying passengers, is there a seat belt for each occupant?
  - If carrying children, is there an appropriate child seat for each child that needs one?
  - If carrying a heavy load or an animal, can you secure it safely?

## **5. Safe Driving.**

- 5.1 Drivers who travel at higher speeds have less time to identify and react to what is happening around them. It takes them longer to stop and if there is a crash it is more severe, causing greater injury to the occupants and any pedestrian or rider they hit.
- 5.2 Higher speeds also magnify other driver errors, such as close-following or driving when tired or distracted, thus multiplying the chances of causing a crash.
- 5.3 Excessive speed contributes to 28% of collisions in which someone is killed, 18% of crashes resulting in a serious injury and 12% of all injury collisions. This means that around 900 people are killed each year on Britain’s roads because drivers and riders travel too fast, and over 6,000 are seriously injured.

### **Speed Limits.**

- 5.4 Always stay within speed limits (including variable limits and temporary limits at roadworks) even if you think the limit is too low.

- 5.5 Speed limits set the maximum speed for that road, however, there are many circumstances when it is not safe to drive at that speed (for example: around schools at the beginning and end of the day; on busy, narrow roads; on rural roads which are narrow, bendy and hilly and visibility is restricted).
- 5.6 Make sure you know the speed limit of the roads you are using. Far too many drivers, who have been caught speeding, complain that they thought the road had a higher speed limit (40 miles per hour instead of 30 miles per hour).
- 5.7 In many cases, the nature of the road does not indicate the speed limit. In urban areas, for example, dual carriageways can have limits of 30 miles per hour, 40 miles per hour, 50 miles per hour, 60 miles per hour or 70 miles per hour.
- 5.8 When driving on street-lit roads, assume the limit is 30 miles per hour until you see a sign saying otherwise, but remember the limit could be lower – 20 miles per hour.
- 5.9 Speed limit signs tend to be placed at junctions because this is often the point at which the limit changes. However, junctions are also where you need to absorb a wide range of different information and it is easy to miss a speed limit sign when concentrating on one or more other things (e.g. which way am I going? Is that driver going to pull out?). So you need to get into the habit of checking for speed limit signs at junctions, and looking for repeater signs after the junction, especially if the nature of the road has changed.
- 5.10 If you are not sure, assume the limit is lower until you see a sign.

### **Staying within the Limit.**

- 5.11 We all have our 'speed triggers' – things that make us more likely to speed up and perhaps exceed the limit unintentionally. This could be feeling the need to keep up with other drivers, feeling stressed by a driver too close behind or it could be something as simple as going downhill.
- 5.12 Learn to recognise your own 'speed triggers'. This will make it easier to avoid being 'pushed' into speeding. It will also make driving less stressful and more relaxing.

### **Reversing.**

- 5.13 Nearly a quarter of deaths involving vehicles at work occur during reversing. Many other reversing accidents do not result in injury but can cause costly damage to vehicles, equipment and premises.
- 5.14. Most of these accidents can be avoided by taking simple precautions.
- 5.15 The best way to avoid reversing accidents is to **remove the need for reversing altogether**. Where reversing is unavoidable, routes should be organised to minimise the need for reversing.

- 5.16 In relation to the use of vehicles other than cars, motorcycles and e-bikes at locations where reversing cannot be avoided:
- Reversing areas should be planned out and clearly marked.
  - People who do not need to be in reversing areas should be kept well clear.
  - Use a trained signaller (a banksman) both to keep the reversing area free of pedestrians and to guide you as the driver. A banksman will be mandatory for certain reversing tasks which will be identified in the job risk assessment and method statement.
  - You should ensure your banksman is visible to you and is wearing highly visible clothing such as an appropriate reflective vest.
  - If you lose sight of your banksman you should stop your vehicle immediately.
- 5.17 For further advice and guidance on reversing of vehicles, please follow the link below:-

<http://www.hse.gov.uk/workplacetransport/information/reversing.htm>

## **6. Journey Planning.**

- 6.1 It is important to plan your route before every journey, the more planning in advance you can do, the less likely unforeseen and risky circumstances will arise, and the better you will be prepared to deal with them if they do. The policy outlines key information on routes and scheduling, distance and weather.
- 6.2 If a journey is to travel somewhere, rather than transporting people or items, then it may be that the safest journey plan is to use another form of transport.
- 6.3 Avoid driving in poor conditions and check the weather forecast before you set off, especially if there has been recent bad weather. If the reported advice is to only make essential journeys, then you should follow it.
- 6.4 Preventing driver sleepiness due to fatigue is something that your organisation can help you manage. Crashes caused by driver fatigue are most likely to occur:
- On long journeys on monotonous roads.
  - Between 02:00 and 06:00.
  - Between 14:00 and 16:00.
  - After having less sleep than normal.
  - After drinking alcohol.
  - After taking medicines which cause drowsiness.
  - On journeys home after night shifts.
- 6.5 As a general rule, drivers should take a 15-minute break after driving for two hours. You need to examine work schedules in advance to ensure that you will not be pressured by time.



- 6.6 Driving at night, especially after a long shift, should be avoided. Overnight stays can be arranged in order to help drivers stay within daily and weekly limits, and avoid crashes due to fatigue.

### **Give Yourself Time.**

- 6.7 Plan your journey to allow sufficient time to complete it (include rest breaks and take account of foreseeable weather and traffic conditions) at safe speeds and without needing to exceed speed limits.
- 6.8 The time it takes to complete a journey is determined much more by your average speed during the whole journey, rather than the maximum speed you achieve for part of it. This is especially true in urban areas, where you constantly have to slow down for junctions, traffic lights and other road users. The faster you drive, the sharper you have to brake. This also uses much more fuel and so makes driving more expensive.
- 6.9 Knowing that you have plenty of time to complete your journey will help you to relax and avoid the temptation to push your speed.

## **7. Distractions.**

- 7.1 Driving requires your full concentration all of the time. Trying to do something else while driving will distract you, slow your reactions and increase the risk of crashing.
- 7.2. According to road traffic legislation and contained within the Highway Code you must exercise proper control of your vehicle at all times and never drive without due care and attention or reasonable consideration for other road users. It is difficult to determine what may constitute the foregoing, however some are listed in the following paragraphs.

### **Mobile Phones.**

- 7.3. A substantial body of research shows that using a hand-held or hands-free mobile phone while driving is a significant distraction, and substantially increases the risk of the driver crashing. There are instructions that apply to all Council staff who drive vehicles for the course of their work. This is outlined in the Driving at Work Policy.
- 7.4. It is illegal to use a hand-held mobile phone while driving (this includes any activity that involves holding the phone such as dialling a number or writing a text message). Driving whilst using hands-free phone could also be construed as not exercising proper control of the vehicle.
- 7.5. Using a hands-free phone while driving does not significantly reduce the risks, because the problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving. Consequently, the Council has adopted a policy requirement prohibiting drivers from using hands-free kits as well as hand-held mobile devices while driving.

## **Other Equipment.**

- 7.6 An increasing number of vehicles are being fitted with various devices designed to help the driver, with SatNavs (Satellite Navigation Systems) being the most common. While these devices can, if used properly, reduce the risk of drivers crashing, they can also increase the risk (for example, by distracting the driver) if not used properly. SatNavs should be regularly updated to ensure they reflect any changes to the road layout within the journey.
- 7.7. If your vehicle is provided with any technologies (such as SatNavs) ask your manager for training in how to use it safely. In particular, you should not adjust or operate devices while actually driving, (for example, routes in the SatNavs should be set before the journey starts). If it is necessary to make adjustments or to input new information, only do so when stopped in a safe place.
- 7.8. It is recognised that the use of hands-free phones or radios does increase the risk of accidents whilst driving and therefore drivers in Fleet vehicles fitted with hands-free radios should generally stop in a safe place before using them. It is recognised however that in an emergency or when undertaking some operations such as gritting and snowploughing this may not always be possible and in these circumstances it is permissible to use the hands-free radio. Any conversation should be as brief as possible and if further communications are required drivers should stop when it is safe to do so and complete the conversation.
- 7.9. Dash mounted front and rear cameras are now being fitted as standard to some vehicles or may be retrospectively fitted to a vehicle. If fitted to a Council owned vehicle this should be operated as outlined within the instructions and should not be adjusted whilst the vehicle is in motion. Similarly, if fitted to an employees vehicle, it should be operated as contained within the manufacturer's instructions and should not be adjusted whilst the vehicle is in motion.
- 7.10. Dash cams fitted to Council owned vehicles will have the microphone muted.

## **Smoking, Eating, Drinking or Tuning the Radio.**

- 7.11 Many other things, that might seem simple and innocent, can be distracting when driving. Fatal crashes can, and do, occur because a driver chose to unwrap a sweet, take a drink or light a cigarette while driving.
- 7.12 The Smoking, Health and Social Care (Scotland) Act 2005 prohibits smoking in certain premises and makes it an offence. The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 lists the premises where smoking is banned and this includes "vehicles which one or more persons use for work".
- 7.13 The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 make it an offence to smoke in any vehicle with children (those under the age of 18).

- 7.14 These requirements are reflected in the Council's Smoking Policy. In respect of the driving at work policy, this will also include e-cigarettes.
- 7.15 As contained within Section 7.2, any of these activities, aside from the smoking legislation, may under certain circumstances may be deemed careless and you should always stop the vehicle before undertaking the activity.

## 8. Occupant Safety.

### Seat Belts.

- 8.1. The most effective way of protecting people inside vehicles is to make sure that every occupant always wears a seat belt on every journey, no matter how short the journey. It is just as important for passengers in the rear to wear seat belts as those in the front. This will apply to all vehicles being used in connection with the business of the Council whether owned, privately owned or hired.

From 18 September 2006 the following regulations apply in cars, vans and goods vehicles:

|                                                                                                                                          | Front seat                        | Rear seat                                                                                                                                                                                                                                                                          | Who is responsible |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Driver.                                                                                                                                  | Seat belt must be worn if fitted. |                                                                                                                                                                                                                                                                                    | Driver.            |
| Child under three years of age.                                                                                                          | Correct child seat must be used.  | Correct child seat must be used.<br>If one is not available in a taxi, then the child may travel unrestrained in the rear.                                                                                                                                                         | Driver.            |
| Child from third birthday up to 135 centimetres in height (approximately 4 feet 5 inches) (or 12th birthday whichever they reach first). | Correct child seat must be used.  | Correct child seat must be used where seat belts fitted.<br>Must use adult belt if the correct child seat is not available in three scenarios: <ul style="list-style-type: none"> <li>• In a licensed taxi or private hire vehicle.</li> <li>• For a short distance for</li> </ul> | Driver.            |

|                                                                                         | Front seat                           | Rear seat                                                                                                                                | Who is responsible |
|-----------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|                                                                                         |                                      | reason of unexpected necessity. <ul style="list-style-type: none"> <li>• Two occupied child seats prevent fitment of a third.</li> </ul> |                    |
| Child over 135 centimetres (approximately 4 feet 5 inches in height) or 12 or 13 years. | Seat belt must be worn if available. | Seat belt must be worn if available.                                                                                                     | Driver.            |
| Adult passengers (14 years and over).                                                   | Seat belt must be worn if available. | Seat belt must be worn if available.                                                                                                     | Passenger.         |

- 8.2. In a crash at just 30 miles per hour, an unrestrained person is thrown forward with a force 30 to 60 times their body weight. They are thrown about inside the vehicle, injuring themselves and quite possibly seriously injuring (or killing) other people inside the vehicle. They could also be ejected from the car through one of the windows. Seat belts save lives.

### **Child Seats.**

- 8.3. Seat belts on their own are less effective for children because they are mainly designed for adults. In a crash, a child may slip out of their seat belt because it is too big, and an ill-fitting belt could even cause injuries.
- 8.4. It is a legal requirement that children under 12 years of age or under 135 centimetres in height (whichever comes first) use the correct child seat. In cars, vans or goods vehicles, it is the drivers' responsibility to ensure that children under 14 are using the correct restraint or seat belt.
- 8.5. The law does not require child restraints to be provided in taxis, private hire vehicles, minicabs, minibuses, buses or coaches—although they must be used if provided. Seat belts must be worn, if fitted.
- 8.6. If you are carrying children, ask your manager / employer about child seats and about training so you can ensure that appropriate seats are being used for child passengers and they are fitted correctly.
- 8.7. Further guidance on the requirements for child seats can be found at

<https://www.gov.uk/child-car-seats-the-rules>

## **Head Restraints.**

- 8.8. Adjust your head restraint correctly, and check that every passenger has their head restraint correctly adjusted. Properly adjusted head restraints help to protect against whiplash, and prevent long-term injuries. The top of the head restraint should be level with the top of your head and it should be as close to the back of your head as possible.

## **9. Accident, Breakdown and Emergency Procedures.**

- 9.1 The procedure for accidents is contained in the Council's Driving at Work Policy. It is essential that you are familiar with, and follow, these procedures, if an emergency occurs.
- 9.2 In the vehicle, keep copies of:
- The emergency procedures.
  - Contact details for the person(s) to whom you should report emergencies.
  - Contact details of the breakdown firm used by the Council and any reference numbers that you may need to quote.
- 9.3 Make sure you have a fully charged mobile phone to summon help if necessary. Do not use the phone while driving.
- 9.4 A summary of the main points to remember is below however you should always follow the procedures set down within the Driving at Work Policy.

## **Accidents.**

- 9.5.
- Use hazard warning lights and switch off your engine.
  - Do not move injured passengers unless they are in immediate danger of further injury from other vehicles or from fire or explosion.
  - Call the emergency services immediately; provide them with information about the situation, any special circumstances (for example, if carrying oxygen bottles) and if any passengers have additional needs.
  - If child passengers are present, ensure an adult remains with them.
  - If the emergency services are called, stay at the scene until they allow you to leave.
  - Obtain the names and addresses of all independent witnesses (if possible).
  - Ensure the vehicle is roadworthy before continuing the journey.
  - If there is any injury or the names of people involved are not exchanged, report the accident to the Police as soon as possible or in any case within 24 hours.
  - Ensure any dashcam footage is retained.
  - Notify your line manager who will assist with any arrangements that may be required.
  - Do not admit blame or liability to the other driver.

- 9.6 Following an accident you will need to discuss the details with your line manager at the next appropriate moment. This will help them ensure that any risk assessments that they have made are relevant and up to date. They will also assist you with any support you require post-accident including assistance with documentation or welfare arrangements.

### **Breakdowns.**

- 9.7 Where a Council owned vehicle is required to travel to mainland UK, breakdown cover will be arranged prior to travel. In such circumstances, and having received authority to travel, details of the journey and vehicle should be passed to the Insurance Officer who will make necessary arrangements with the Council's breakdown recovery provider. A card should also be picked up from the Fleet Manager prior to travel which will contain the necessary details.
- 9.8 In the event of a breakdown, the driver should:
- Move the vehicle off the carriageway (onto the hard shoulder on UK motorway) and switch on the hazard warning lights.
  - If this is not possible, move it as far away from moving traffic as you can.
  - Move passengers out of the nearside of the vehicle and as far away from it and other traffic as possible. No one should stand between the vehicle and oncoming traffic.
  - On busy roads (or on UK motorways) passengers should be taken onto the embankment or grass margin and as far from the traffic as is practicable.
  - Keep passengers together, keep children under constant supervision.
  - Telephone the emergency services, or breakdown firm, giving them accurate details of the vehicle's location, and whether children or passengers with mobility problems are being carried.
  - Telephone your nominated contact person to tell them what has happened.
  - On a motorway, use the roadside emergency telephone as this will enable the Police to pinpoint your location.