



**Item: 14.**

**Policy and Resources Committee: 18 June 2024.**

**Driving at Work Policy.**

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

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## **1. Overview**

- 1.1. Efficient management of work-related driving significantly contributes to service delivery, financial stability, climate goals, and safety objectives. By adhering to a comprehensive Driving at Work policy, we can proactively reduce incidents, insurance claims, and costs while ensuring effective services for our community residents.
- 1.2. The Council's Driving at Work Policy, which was last updated and approved in March 2022, has undergone revisions to maintain alignment with relevant legislation and incorporate best practice safety measures. The revisions enhance the definition of staff covered by the policy, introduces a streamlined process for handling documentation, and implements a risk-based approach to driver authorisation.

## **2. Recommendations**

- 2.1. It is recommended that members of the Committee:
  - i. Approve the revised Driving at Work Policy , attached as Appendix 1 to this report.

## **3. Background**

- 3.1. The Driving at Work policy outlines the guidelines and expectations related to driving or riding for work purposes. The key points of the driving at work policy include:

**Purpose:**

- The policy ensures the safety and well-being of employees who drive or ride vehicles (including motorcycles and bicycles) as part of their work activities.
- It applies to both company-owned vehicles and those in the “grey fleet” (owned by workers but used for business purposes).

**Risk Assessment:**

- Employers must conduct a risk assessment, considering the journey, the driver/rider, and the vehicle.
- Hazards include road conditions, vehicle condition, fatigue, distractions, time pressures, and behaviour of other road users.

**Health and Safety Law:**

- Health and safety law applies to work activities on the road, similar to fixed-site work.
- The policy helps prevent injuries, illnesses, and fatalities related to driving for work.

**Consultation and Communication:**

- The changes to the policy have been widely consulted on.
- A plan is in place as discussed in next steps to support staff understand the policy and their responsibilities.

**Grey Fleet and Mileage Claims Allowance:**

- Grey fleet vehicles (owned by workers) are covered by the policy.
- Mileage claims also fall under the policy and to ensure a streamlined process for staff there is an introduction of driver details being held in Integra.

**Commuting:**

- Commuting from home to the normal place of work is generally not considered driving for work.
- However, exceptions apply when the journey starts from home to a different work location.

**Safe Journey, Safe Driver/Rider, Safe Vehicle:**

- The policy follows this approach to manage risks effectively. It emphasizes safety in each of these areas.

3.2. Overall, the aim of the updates in this policy were to develop a well-defined Driving at Work policy which will support in protecting employees, reducing accidents, and enhancing operational efficiency.

## 4. Consultation

4.1. During the review of the Driving at Work Policy it was widely consulted on across directorates Identifying potential improvements to the driving at work policy to prevent or reduce such incidents.

- 4.2. Lastly the proposed policy changes were shared with the Safety Committee which includes Trade Union Representatives, and no concerns or further additions were raised on the proposed changes.

**For Further Information please contact:**

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**Implications of Report**

- 1. Financial:** Implementing the measures for driver authorisation may reduce costs associated with accidents, vehicle repairs, and insurance claims. It is however supported by our insurance company as an approach that maintains the current high standard approach taken to the risk of driving by OIC.  
The i-Learn training programme may support long-term savings as it improves driver awareness of safety.  
The costs of developing the i-Learn training programme and any costs associated with implementation of the revised policy will have to be met from existing approved budgets.
- 2. Legal:** 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 its 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.
- 3. Corporate Governance:** Not applicable.
- 4. Human Resources:** The revised driving policy retains the requirement for a line manager to review staff documentation and record the information appropriate. However, with the introduction of the Integra database approach to managing documents this will support the reduction in time previously needed to carry out these checks.  
The policy approach here will also ensure consistent treatment of all employees.
- 5. Equalities:** Regarding work-related driving legislation, it takes precedence and entails responsibilities aligned with it. Any considerations related to equality are addressed through the appropriate Services.
- 6. Island Communities Impact:** Not applicable.
- 7. Links to Council Plan:** Not applicable
- 8. Links to Local Outcomes Improvement Plan:** Not applicable
- 9. Environmental and Climate Risk:** The policy promotes eco-friendly driving practices to reduce environmental impact. In addition, it considers vehicle emissions and fuel efficiency.

- 10. Risk:** Throughout the policy there is an approach that supports the assessment and mitigation of risks associated with driving, including accident prevention and driver health. As highlighted by our insurance company, Orkney Islands Council (OIC) currently maintains a strong reputation for effective risk management related to driving at work and accidents. To uphold this reputation, certain adjustments are necessary within the policy. These adjustments are important for the health and wellbeing of OIC staff and to protect council-owned vehicles and assets.
- 11. Procurement:** Not applicable to this policy.
- 12. Health and Safety:** There is a prioritisation of employee safety through training, risk assessments, and accident reporting in the policy.
- 13. Property and Assets:** The Driving at work policy aims to protect council-owned vehicles and assets through proper maintenance, driver authorisation and usage guidelines.
- 14. Information Technology:** Not applicable to this policy.
- 15. Cost of Living:** Consideration on the impact of the policy on employees' cost of living has been undertaken for example promoting eco-friendly driving practices to reduce fuel expenses.

#### **List of Background Papers**

None.

#### **Appendix**

Appendix 1 - Driving at Work Policy 2024 -2026.



**ORKNEY**  
ISLANDS COUNCIL

# **Driving at Work Policy**

**2024 – 2026**

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# 1. Introduction

Orkney Islands Council recognises the importance of protecting employees and others from the hazards associated with work-related driving.

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.
- Mobile Phone and Android Handset Policy
- Integra Vehicle and Driver Documents Work Instruction

All the above policies are available on the Council Intranet, or from your line manager.

## 2. Legal Requirements.

Implementation of the Driving at Work Policy will ensure that the Council meets its legal obligations under the Health and Safety legislation.

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).

We also expect all employees to observe the normal rules of the road as set out in the Highway Code.

## 3. Scope.

This policy and guidance apply to the following scenarios:

- Driving activities carried out during work hours. This encompasses the use of fleet plant and vehicles, pooled cars, private cars, motorcycles, bicycles, and all other vehicle categories. Fleet plant and vehicle drivers must also adhere to specific

instructions and guidance related to these vehicles, which can be obtained from the manufacturer, hirer, or line manager.

- A driver can be an employee of the Council, an elected member, a non-employed (agency) worker, a student (UHI Orkney), or a volunteer. Throughout this policy, all these individuals will be referred to as employees.
- Given the diverse nature of Orkney Island Council business, it is impossible to account for every driving situation. In cases not covered by this policy, they should be initially referred to the Safety and Resilience Service.
- This policy excludes commuting from home to the normal place of work but includes travel directly from home to a location that is not the usual work base.
- The Driving at Work Handbook outlines the arrangements and procedures for all staff using a vehicle for Council business, including 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.**

Responsible for ensuring arrangements are in place to check on the driving licenses 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 license containing a category of license 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 license containing a category of license 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 as per council guidance 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 license 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 license.
- 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, license 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, license endorsements or pending prosecutions to the Fleet Manager in order to comply with Operator's License requirements.
- HGV drivers must carry their driving qualification documents, explicitly their Driving License, Certificate of Professional Competence (CPC card) and digital driver tachograph card (Digi-card) whilst driving on Council business.
- Drivers of HGV vehicles operated under the Council's Operator's License 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 license.
- 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 licenses are checked annually in line with the Operator's license.

Ensure matters arising from defect reports or driver's hours are completed for vehicles operating under the scope of the Operator's license.

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

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

## **5. Risk Assessment.**

The risk assessment procedure applies to work-related driving, just as it does for any other work activity. When creating a risk assessment, follow the details outlined in the Council's Health and Safety Policy and Risk Assessment Guidance.

The most effective risk control measure is hazard elimination. Therefore, it's crucial to evaluate whether a work-related driving activity is necessary. While driving may be unavoidable for fleet operations, the use of private vehicles can often be avoided through alternative means.

When journeys are unavoidable, consider factors related to the driver, the vehicle, and the journey itself in terms of risk. The following risk information and guidance pertain to journeys and journey planning and should be incorporated into the risk assessment procedure.

The risk assessment process for drivers of authority vehicles, who need additional training beyond what they have already achieved through their license (such as the Minibus Driver Awareness Scheme - MIDAS), should be documented and confirmed in the risk assessment as being in place.

### **Routes and Scheduling**

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).

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.

Drivers of heavy goods vehicles or passenger goods vehicles are governed by the Drivers' hours: GB domestic rules (<https://www.gov.uk/drivers-hours/gb-domestic-rules>).

The GB domestic rules are followed by OIC and are summarised below:

#### **1. Goods Vehicles:**

- Duty Time: If you work as a driver for a company, duty time includes any working time.
- Daily Driving Limit: You must not drive for more than 10 hours in a day, whether on a public road or off-road (unless it's not during duty time).
- Daily Duty Limit: You must not be on duty for more than 11 hours in any working day. This limit doesn't apply on days when you don't drive.
- Exemptions: Some vehicles are exempt from the duty limit.

## **2. Buses and Coaches:**

- Duty Time: Like goods vehicles, duty time includes any working time for company drivers.
- Daily Driving Limit: You must not drive for more than 10 hours in any working day.
- Length of Working Day ("Spreadover"): You must not work more than 16 hours between the times of starting and finishing work, including non-driving periods.

Whilst the GB domestic rules don't specifically mention rest periods or breaks, employers are required to ensure drivers have "adequate rest" under The Working Time Regulations 1998.

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.**

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.

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.

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.**

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.

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.

Journeys should, wherever possible, be rescheduled to take account of adverse weather conditions.

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.

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 X feed and on the Council's Portal home page.

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.**

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.

More information on Green Travel can be found in Orkney's [Green Travel Plan](#).

## **7.Training**

All employees who drive for work must complete the iLearn Driving at Work module. For those without access to iLearn, a hard copy of the course can be requested from the Safety and Resilience Service. Additionally, new employees are required to undertake the iLearn training module within two months of starting their job.

## 8. Authorisation To Drive

A prerequisite for driving a council-insured vehicle under the Orkney Island Council motor insurance provision is that every driver must receive approval from the council before engaging in any driving related to council business.

### Approval of Drivers

Unless otherwise specified, line managers will be responsible for granting approval, as outlined in section 4.4. Line managers must also upload driver details and ensure that the information remains up to date, following the guidelines provided in the 'Integra Vehicle and Driver Documents Work Instruction'. Additionally, mileage claims should not be authorized unless the required documentation has been completed in Integra.

### Level 1 Standard Driver

Drivers can receive unconditional approval as long as they adhere to the requirements outlined in Level 1 as specified in Table 1.

### Level 2 Discretionary Driver

Drivers who do not meet the criteria for Level 1 but fall within the parameters of Level 2 as outlined in Table 1, may still receive approval as described earlier. However, it is essential that such approval is granted with a thorough understanding of the specific circumstances and careful consideration of the potential impact on reputation and/or financial consequences.

### Level 3 Restricted Driver

Level 3 drivers are those who do not meet the criteria for Levels 1 or 2. If a driver falls outside these levels, they must seek approval from the Insurance Officer and the Safety and Resilience Service. However, such approval will only be considered if the submitted request is fully endorsed by the relevant Head of Service. Submissions for Level 3 Drivers should be directed to the Safety and Resilience Service.

To obtain approval, the following steps apply:

1. Full driver details must be provided, along with an explanation of why the request should be considered and a recommendation supporting it.
2. The request will be evaluated based on whether the risk is deemed acceptable by the council's insurers. This assessment considers potential health and safety implications, the impact on motor insurance claims, and credibility with insurers.
3. The individual service making the request may be asked to bear an increased excess.

Additionally, an individual driving risk assessment, specific to the driving activity, is mandatory for all Level 3 drivers. The Safety and Resilience Service can provide support for conducting this risk assessment.

Table 1 - Driver Authorisation Criteria

Type of Vehicle	Assessment Criteria	Level 1 Standard	Level 2 Discretionary	Level 3 Restricted
Any car (including Pool Cars), light van or similar.	Age	At least 25 years	At least 18 years	If the Driver does not meet criteria at Level 1 or 2, they must be referred to the Head of Service and Safety and Resilience Service as per Section 8.
	Age limit	65 years	70 years	
	Experience	Full driver's licence held for at least 2 years	A full driver's license for a minimum of 2 years if aged between 18 and 25 years old. If 25 years or older, the license should have been held for at least 1 year.	
	Current points on licence	No more than 3	No more than 3 for any one offence and no more than 6 in total	
	Accidents	No more than 1 fault in last 3 years	No more than 1 fault in last 3 years	
Any HGV or similar.	Age	At least 25 years	At least 18 years	As Above.
	Age limit	65 years	70 years	
	Experience	Holding an appropriate full driver's licence for at least 2 years.	A full driver's license for a minimum of 2 years if aged between 18 and 25 years old. If 25 years or older, the license should have been held for at least 1 year.	
	Current points on licence	No more than 3	No more than 3 for any one offence and	

			no more than 6 in total	
	Accidents	No more than 1 in last 3 years	No more than 1 fault in last 3 years	
Minibuses	Age	At least 25 years	At least 18 years	As Above
	Age limit	65 years	70 years	
	Experience	Full driver's licence held for at least 3 years	A full driver's license for a minimum of 2 years if aged between 18 and 25 years old. If 25 years or older, the license should have been held for at least 1 year.	
	Current points on licence	No more than 3	No more than 3 for any one offence and no more than 6 in total	
	Accidents	No more than 1 in last 3 years	No more than 1 fault in last 3 years	

## 9. Use of Council vehicles by Council employees.

Employees will not be allowed to drive a council vehicle on Council business unless authorised to do so as per section 8.

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.

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.

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.

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.

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 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.

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.

All drivers will comply with the requirements as outlined in Section 4.5 of this Policy.

## **10. Use of private vehicles by Council employees on Council business.**

Employees will not be allowed to drive a private vehicle on Council business unless authorised to do so as per section 8.

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 are fulfilled and the competition training (Section 7) has been fulfilled.

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.

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.



## **11. Driving a Hire Car on Council business in Orkney.**

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.

Car hire arrangements on the outer islands are extremely limited and before travelling you should ensure any availability.

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.

Car hire outwith Orkney is detailed in the Travel Policy.

Upon receipt of the vehicle, the driver should undertake checks in accordance with the Driving at Work Handbook Section 4.

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

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 Practice for the Use of Orkney Islands Council Vehicles by the Voluntary Sector Organisations.

## **13. Health and Disability.**

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.

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.

## 14. Vehicles.

The following requirements relate to vehicles / plant and should be considered as part of the risk assessment process outlined in section 5.

### **Suitability.**

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

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.

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.**

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.**

All drivers should carry out regular basic safety and familiarisation checks in accordance with the OIC Driving at Work Handbook vehicle safety section.

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.

## 15. Transporting Passengers.

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.

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.

## 16. Insurance for Council Vehicles.

The Council provides insurance coverage for its motor fleet and hired-in plant. This cover is exclusively for Council business purposes, with no other usage allowed.

However, there is an exception for vehicles covered for use by specific approved Voluntary Charitable or Welfare Groups. If needed, Certificates of Motor Insurance can be requested from the Council's Insurance Officer

## 17. Minibus Driving.

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.

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.

Where identified by way of risk assessment, additional training such as the Minibus Driver Awareness Scheme (MIDAS) should be provided for Council minibus drivers.

## 18. Motorcycles and Bicycles.

### Motorcycles.

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).

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.

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.

The cyclist should also conform to all other requirements set out in sections 59 to 82 of the Highway Code.

## 19. Use of Mobile Phones in Vehicles.

It is an offence to use a hand-held mobile phone while driving a vehicle.

It is also an offence for an employer to encourage or permit employees to use handheld mobile phones while driving.

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. A mobile device can be configured as a navigation aid before driving the vehicle. However, the driver must refrain from using the device while operating the vehicle. This is aligned to the following guidance, found in the Highway Code:

### **Rule 149**

*Highway Code Rule 149 states that you MUST exercise proper control of your vehicle at all times. Specifically, you MUST NOT use a hand-held mobile phone or similar device when driving or when supervising a learner driver, except in a genuine emergency when it is unsafe or impractical to stop. Additionally, using a hand-held microphone while driving is also prohibited.*

*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.*

### **2-way radio Usage**

The use of a two-way radio while driving can be permitted, provided this complies with legislation and does not cause any distraction to the driver.

Therefore the policy permits the use of two-way radios in specific operational vehicles subject to the following guidance.

As highlighted in Rule 149 it is an offence to use a hand-held mobile phone or an “interactive communications device” while driving. However, there is an exemption for a two-way radio that is designed or adapted for transmitting and receiving spoken messages.

Two-way radios should only be operated when an appropriate risk assessment and training has been undertaken. It is important to note that a user must always be in control of the vehicle at all times. The following safety guidelines are recommended.

- **Keep Conversations Brief and Business-Related:** When using a CB radio, keep all conversations concise and focused on essential information. Avoid lengthy discussions that can be a distraction whilst driving.
- **Position the Speaker Microphone Conveniently:** The speaker microphone should be placed within easy reach of the driver. If possible, avoid unclipping the microphone frequently, as this can be distracting. Where possible hands-free 2-way radio device should be used.
- **Maintain Consistent Volume:** The CB radio volume should be set to a level that allows the driver to hear clearly without constantly adjusting the unit. Consistent volume helps prevent distractions while driving.
- **Avoid Tuning While Driving:** Drivers should refrain from tuning or adjusting the CB radio while driving. Any necessary adjustments should be made before the start of a journey or during a stop.

It is key to highlight that if a driver cannot control a vehicle properly or if their driving is impaired by the use of such a device, they can still be prosecuted for not being in proper control of a vehicle, careless driving, or dangerous driving.

In summary, using a two-way radio while driving for work is allowed in certain circumstances, it is essential that the driver prioritizes safety and minimize distractions.

## **20. Smoking in Vehicles.**

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.

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.

The Council’s Smoking Policy prohibits smoking in all Council-owned vehicles or in leased or private vehicles during work duties.

All Council-owned vehicles must have the prescribed legal notice displayed to indicate that smoking is not permitted in the vehicle.

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.

## 21. Accidents and Support.

### Accident Procedure.

**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.

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.

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.

Any accidents, incidents, or near misses related to work-related driving must be promptly reported. Adverse reports should be communicated to the Line Manager as soon as possible and subsequently documented on the Council's Adverse Event form, which should then be forwarded to the Council's Safety and Resilience Service.

The Safety and Resilience Service will conduct investigations into accidents related to work-related driving to ascertain whether any underlying occupational risks were involved. As part of this process, the risk assessment outlined in section 5 of this policy should be revisited to incorporate any additional control measures identified for preventing similar incidents. Additionally, reference should be made to the Council's Adverse Event Reporting and Investigation Guidance.

In the event of an incident involving a Council fleet vehicle, the Service Manager responsible for the vehicle/driver must complete an incident report and forward it to the Fleet Manager. The Fleet Manager will then review the report and advise the respective Line Manager if further investigation is necessary. If additional investigation is warranted, the lead officer, along with support from the Fleet Manager, will focus on identifying the immediate and underlying causes of the accident. Based on this analysis, an accident investigation report will be produced and subsequently reviewed. Any

necessary remedial actions will be implemented by the relevant Corporate Director in consultation with the Head of Service and the Safety and Resilience Service.

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

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.

## **22. Reversing.**

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.

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>.

## 23. Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
11 October 2016.	General Meeting of the Council.	n/a.	Version 1.0.
October 2019.	General Meeting of the Council.	n/a	Version 1.1.
13 January 2022.	Approved by SMT,		Version 1.7.
1 March 2022.	Update of Roles		Version 1.7.
March 2022.	General Meeting of the Council.		Version 1.7.
April 2022.	Hayley Green	Corporate Director.	Version 1.8.
March 2024			Version 1.9

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
October 2019.	Alan Tait and Les Donaldson.	1.1.	Final.	Reviewed and updated earlier version.
October 2021.	Les Donaldson.	1.7.	Final.	Reviewed and updated.
April 2022.	Les Donaldson.	1.8	Final.	Amended drivers' hours at 5.7.
April 2024	DC Hunter	1.9	Final	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.

- **Drive Safely:** Follow the rules outlined in the Highway Code to ensure safe driving.
- **Comply with Health and Safety:** Be aware of and adhere to Health and Safety requirements.
- **Observe Speed Limits:** Always drive within the specified speed limits.
- **Valid License:** Ensure you hold a valid and current license for the vehicle category you are driving.
- **Remove Identification Lanyards:** Remove any identification lanyards while driving. The force of an inflating airbag can be severe, and objects in the chest or torso area (such as plastic or metal) may cause injury if pushed back into the body.
- **Avoid Loose Material:** Do not have any loose material in the cab or on your lap while driving for work, as it may cause injury in case of an accident.
- **Passenger Safety and Comfort:** Prioritize the safety and comfort of passengers.
- **Report Accidents:** Promptly report any accidents that occur while driving for work.
- **Medical Conditions and Medication:** Inform the Council immediately of any changes in medical condition or medication that may impact your ability to perform your duties.
- **Notify the Council of Changes:** Notify the Council immediately of any changes in employment, roles, or responsibilities.
- **Medical Conditions and Driving:** Inform both the Council and the DVLA of any medical conditions or disabilities that affect your ability to drive.
- **Maintain Vehicle Control:** Always maintain control of the vehicle.
- **Reversing with Caution:** Take extra care when reversing and only reverse when it is safe to do so.
- **Insurance Coverage:** Ensure that the vehicle is properly insured for business use.
- **Defect Reporting:** Promptly report any defects observed in the vehicle.
- **Vehicle Cleanliness:** Keep the vehicle clean and well-maintained.
- **Safety Checks and Servicing:** Present the vehicle promptly for safety checks and servicing.
- **Proper Loading:** Always ensure that the vehicle is correctly loaded.
- **Compliance with Regulations:** Comply with Drivers' Hours Regulations and maintain accurate work records where necessary.
- **Communication with Line Manager:** Inform your line manager about any work, especially driving, undertaken for another employer.
- **Safety First:** In the event of an accident or breakdown, prioritize safety and avoid putting yourself or passengers at risk.

- **Regular Maintenance:** Regularly perform vehicle maintenance check

## Prohibitions

- **Alcohol and Drugs:** Drivers must not consume alcohol or drugs (except prescribed medications) during work hours, including breaks. Their performance should not be impaired by alcohol consumed before starting work.
- **Illness and Medication:** Driving while ill or under the influence of medication is prohibited unless a doctor confirms it is safe.
- **Poor Eyesight:** Drivers with poor eyesight must wear prescribed spectacles or corrective lenses.
- **Mobile Phones:** Using a mobile phone while driving is only allowed if using a hands-free kit or Bluetooth.
- **Distractions:** Besides mobile phones, drivers should avoid distractions like adjusting the radio, eating, or engaging in lengthy conversations while driving.
- **Non-Work-Related Use of Council Vehicles:** Council Vehicles and equipment should only be used for work-related purposes.