

Meeting date: 29th September 2022

Report to: Governance Committee

Subject/report title: DRIVING AT WORK POLICY

Report from: Director of Resources and Deputy Chief Executive

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Wards affected:

All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

Exempt by virtue of paragraph: N/a

1. Purpose of Report

1.1 To inform Governance Committee of the proposed update to the Driving at Work Policy.

2. Decision(s) recommended

2.1 To approve the attached Driving at Work Policy.

3. Matters for Consideration

3.1 Under health and safety legislation, the Council has a duty to manage health and safety risks to employees who drive as part of their work activities. Health and safety law applies to work activities on the road in the same way as it does on a fixed site.

3.2 Road safety legislation imposes specific requirements on the Council as an employer in respect of vehicle use and driving at work activities.

3.3 The Council has a responsibility to take all reasonable steps to protect the health and safety of their employees and others who may be affected by their work activities. This

includes the activity of employee's driving on public roads during their work.

- 3.4 Managing occupational road risk helps to reduce road incidents and accidents meaning less days lost to injury, fewer repairs to vehicles and reduced running costs.
- 3.5 The Driving at Work Policy outlines how the Council will meet its legal responsibilities for managing work-related road safety for its employees, covering Core Council services, as well as schools where SMBC is the employer.
- 3.6 The current corporate policy was last reviewed in 2016 and is now needing to be updated to ensure it remains suitable and sufficient for the organisation to manage occupational road risk for employees driving for work. The new policy will replace the previous versions for Core Council (dated 2016) and for Schools (dated 2014) consolidating both policies into one overall document.
- 3.7 The Driver and Vehicle Standards Agency and police are applying much stronger and stringent measures to driving and enforcing road traffic law nationally. It is important that the Council's policy is updated to reflect these requirements.
- 3.8 As well as updating the current structure to the organisation and roles and responsibilities, the policy includes updates to the risk assessment process including documentation checks, eyesight tests and employee declarations. In addition, more information has been included on driver risk categories and the use of mobile phones and other equipment.
- 3.9 The Driving at Work Policy covers both company and grey fleet vehicles (vehicles owned and driven by an employee for business purposes). The policy does not generally cover commuting to and from work, health and safety legislation does not apply to commuting.
- 3.10 Following the approval of the policy it is envisaged that further supplementary guidance will be introduced to provide further information to employees, as well as build upon the aims and objectives of the updated policy.
- 3.11 The Council has a separate Transport Operational Policy in place which covers more detail on the management of company owned fleet vehicles and workplace transport operations across the organisation.

4. What options have been considered and what is the evidence telling us about them?

- 4.1 Not applicable for this report. As outlined in 3.1, the Council as an employer has a legal duty to ensure that robust arrangements are in place to managing health and safety risks to employees who drive as part of their work activities. The Driving at Work Policy outlines how these responsibilities will be met.

5. Reasons for recommending preferred option

- 5.1 Not applicable.

6. Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. Deliver UK Central (UKC) and maximise the opportunities of HS2. 3. Increase the supply, quality and energy efficiency of housing, especially affordable and social housing. 	Refer to Section 3.
<p>Environment:</p> <ol style="list-style-type: none"> 4. Enhance Solihull's natural and physical environment. 5. Improve Solihull's air quality. 6. Reduce Solihull's net carbon emissions. 	Refer to Section 3. In addition, the effective management of driving on public roads will help to contribute towards this priority.
<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances and health outcomes in our most disadvantaged communities. 8. Enable communities to thrive. 9. Sustainable, quality care and support for adults & children with complex needs. 	The protection provided by health and safety legislation applies to all people at work, regardless of their protected characteristics (age, disability, gender, religion etc.) Health and safety and equality legislation also provide additional protection for people deemed to be vulnerable who are affected by the Council's undertakings. This would include adults, children and young people with complex needs and disabilities.
10. Promote employee wellbeing	Having adequate and robust health and safety arrangements for driving at work will contribute to the overall wellbeing of employees.

6.2 Consultation and Scrutiny:

6.2.1 Consultation has taken place and views sought from a range of stakeholders including the Corporate Health and Safety Board, Human Resources, Insurance and Facilities Management. Representatives from Directorates and Trade Unions have also been consulted as part of this policy update.

6.3 Financial implications:

6.3.1 There are no direct implications associated with this report.

6.4 Legal implications:

6.4.1 As referred to in 3.1, the Council has a legal responsibility under health and safety legislation to manage health and safety risks to employees who drive as part of their work activities.

6.4.2 The Driving at Work Policy outlines how the Council will meet its roles and responsibilities for managing occupational road risk affecting employees.

6.5 Risk implications:

6.5.1 Having a corporate policy in place forms part of the mitigating action to ensure health and safety risks are minimised.

6.6 Equality implications:

6.6.1 The protection provided by health and safety legislation applies to all people at work, regardless of their protected characteristics (age, disability, gender, religion etc.). Employers are required by the Equality Act 2010 to make reasonable adjustments to accommodate the needs of disabled employees and other people deemed to be vulnerable, including pregnant workers and adults, young people and children with complex needs.

6.6.2 A separate fair treatment assessment has been carried out as part of the update to the policy.

6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), the Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

6.7.1 Not applicable.

7. List of appendices referred to

7.1 Appendix 1 – Driving at Work Policy.

8. Background papers used to compile this report

8.1 Not applicable.

9. List of other relevant documents

9.1 Not applicable.