

Driving at Work Policy

**Core Council and Maintained Schools
where SMBC is the employer**

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1. Introduction

More than a quarter of all road traffic incidents and a third of road traffic fatalities may involve somebody driving for work (Department for Transport (DfT)). This includes employees using their own vehicles for work related activities.

Work-related road safety is a shared responsibility between Solihull Metropolitan Borough Council (SMBC) / Schools (where SMBC is the employer) and those driving on behalf of them.

1.1. Applicable Legislation

There are two sets of law that apply to driving activities: Health and Safety Law and Road Safety Law.

Health and Safety law applies to all work activities on the road in the same way as it does all other work activities and needs to be managed the same as any other health and safety risk.

This includes ensuring that:

- Drivers are suitably qualified, licensed, insured, fit, and authorised to drive for work
- Vehicles driven are roadworthy and suitable for the purpose used for

See HSE guidance for further information: [Driving for work - Vehicles at work - HSE](#)

Road Safety Law is mainly concerned with the individual driver and owner of the vehicle, but the employer can be held responsible for some breaches of these laws e.g. Using a handheld mobile device while driving for work purposes.

The legal consequences of failing to manage these risks may be significant both in monetary terms (fines) and in reputational damage. Current fines under Road Traffic Legislation are 3 points and up to £1000 (This would also apply to the employer / responsible manager) and fines under Health and Safety Law range from £20,000 up to £20 million.

1.2. Scope of Policy

This policy applies where SMBC is the employer, Core Council services and community & voluntary controlled schools, community special schools & pupil referral units.

SMBC as the employer has overall responsibility for health and safety and will ensure that employees and others who may be affected by their activities and actions are not exposed to significant risks to their health and safety. SMBC will ensure that anyone that drives for work on behalf of SMBC / School is legally entitled to drive, medically fit, has the appropriate licence for the category of vehicle driven, has the appropriate business insurance, is competent and authorised to drive for work purposes and is driving a roadworthy vehicle.

The Council recognises that responsibility for health and safety cannot be devolved, but delegates day to day health and safety responsibilities to managers and headteachers in schools. It is expected that governing bodies of community and voluntary controlled schools will adopt and implement suitable arrangements to support this policy and ensure suitable Driving at Work management arrangements are in place.

Core Council and Schools where SMBC is the employer must implement any 'essential' recommendations from the Health, Safety and Risk Service and/or SMBC Transport Service.

Whilst this policy applies to Core Council and schools where SMBC is the employer, other schools and academies in the Borough may wish to use the policy for reference and as a basis for their own separate employer organisational health and safety arrangements.

This policy:

- Applies to all employees who drive for work related business
- Applies to employees who manage someone else who drives for work
- Applies to vehicles owned, hired, or leased by SMBC / School as well as those owned by individual employees but used for work purposes
- Includes the use of all work-related vehicles
- Excludes commuting to and from home to your normal place of work or evening meetings (in the case of Councillors) (The majority of employees have their normal place of work stated in their terms and conditions of employment, as being a specific location or any other Council property/ School site).
- Includes journeys from home to a location other than your normal workplace for work purposes

For all work-related driving, SMBC / School aims to:

- Ensure, as far as is reasonably practicable, the health and safety of all employees who drive on SMBC / School business
- Ensure compliance with all relevant legislation
- Involve all employees in the identification and proper assessment of all significant risks associated with work related driving activities
- Encourage safe driving by providing employees with appropriate information, instruction, training, and supervision

To assist managers, competent advice on health and safety matters is provided through the Health, Safety and Risk Service and for driving matters through the SMBC Transport Service (note for SMBC Transport this is for Core Council services only). Advice and support for schools through the SMBC Transport Services team is an add on service and as such there would be an additional charge for this.

Note: This Policy does not duplicate the general health and safety requirements as stated within the SMBC Corporate Health and Safety Policy.

1.3 Definitions

Driving at work (i.e., driving on SMBC / School business)	Any driving activity undertaken during work or for work which is required as part of the job (such as driving to meetings or training or driving between work sites). This excludes commuting from home and back to your normal place of work or evening meetings (in the case of Councillors).
Driving licence:	This is the official UK issued government document which entitles the named holder to operate various specified motor vehicles categories on public roads. To check driving licence vehicle categories, you can visit the Government Driving licence categories page: https://www.gov.uk/driving-licence-categories . Licences and categories have changed over the years and some holders may still have the paper licence and some holders will have a photocard licence. Licences must be valid to drive within Great Britain. To be able to drive a particular type of vehicle it needs to be listed on your driving licence and be in date.
Competence:	The Health & Safety Executive define competence as the combination of training, skills, experience & knowledge that a person has & their ability to apply them to perform a task safely. This means that a driver can perform their driving activities legally safely and responsibly. See Legal Competence and Driver Training & Assessment
Managers:	This is the term used to collectively describe Headteachers, Directors, Heads of Service and Line Managers. Managers are responsible for the health and safety of their team, workplace, and service area.

Employees:	<p>For the purposes of this policy employees will include:</p> <ul style="list-style-type: none"> • Any person employed / appointed by SMBC / Schools • Students, volunteers, work placements, agency workers and contract workers • Elected Members
Grey Fleet Vehicle:	<p>A grey fleet vehicle is a term used to describe an employee's personal vehicle used for SMBC / School purposes. The vehicle is owned, maintained, and driven by an employee.</p>
MiDAS:	<p>This is the Minibus Driver Awareness Scheme administered by the Community Transport Association (CTAUK). The scheme provides a nationally recognised standard for assessment and training of minibus drivers designed to enhance minibus driving standards and promote the safer operation of minibuses. It is available to any organisation operating or using minibuses ranging from small voluntary organisations with one vehicle, to local authorities operating large fleets of minibuses as well as schools, colleges, and universities.</p> <p>It is free to join and by joining members commit to assess and train all their minibus drivers to the MiDAS standard, there is a cost involved for the training. The training includes a classroom theory module, an on the road driving assessment and use of wheelchair accessible vehicles, for drivers who will be transporting passengers with disabilities. See Community Transport Association</p>
Section 19 Permit:	<p>These are granted to organisations operating vehicles on a not-for-profit basis or have a charitable status provided they do not profit from their vehicle operation e.g., education, religion, social welfare. recreation (standard permits only) or other activities of benefit to the community. Section 19 permit vehicles can't be used to carry members of the public outside of the definitions listed.</p> <p>They are two types of Section 19 Permit:</p> <p>Standard Permits for vehicles which are adapted to carry no more than 16 passengers (excluding the driver) or</p> <p>Large Bus Permits for vehicles which are adapted to carry 17 or more passengers</p> <p>There are basic requirements for holding a Section 19 Permit:</p> <ul style="list-style-type: none"> • Each vehicle is non-commercial, not-for-profit & cannot carry members of the public. • The vehicle is not driven for 'hire or reward' • Vehicles must meet the requirements for initial fitness & be well maintained. • Vehicles must be regularly inspected including daily checks, 10-week minibus safety inspections (6 weeks for vehicles over 12 years old), regular services and MOT • Drivers must be 21 years old, properly trained, hold the correct licences, and take appropriate breaks. <p>Permits are valid for between 1 and 5 years; a permit is required for each vehicle and is only valid for the organisation it is issued to. If a vehicle is borrowed by another organisation, they will require their own permit.</p>
Vehicles:	<ul style="list-style-type: none"> • SMBC / School Fleet vehicles (vehicles owned/leased by SMBC) – any vehicle used for work purposes including but not limited to, cars (including pool and hire cars), vans, panel vans, pickups, tippers, 4x4's, tractors, ride-on mowers, loaders, motorcycles, vehicles over 7.5 tonne, minibuses, buses, coaches. • Employees' own private vehicles when driven on SMBC / School business. These vehicles are also referred to as 'grey fleet' within Fleet Management.
Vocational/professional drivers	<p>If in the employee's job description, driving is the main task for which employment has been provided they are classed as a vocational or professional driver.</p>

Work-Related Road Traffic Incidents / Accidents	<ul style="list-style-type: none"> • Are any incidents / accidents which cause injury or damage to a person, animal, vehicle, or property whilst driving for work. This does not cover the commute to and from work, as it only applies when the drive relates to driving on a work activity. • This applies whether you are driving your own vehicle or a SMBC / School Fleet vehicle or a SMBC / school hire vehicle.
Workplace transport:	This is any activity involving vehicles used in a workplace. Vehicles driven on public roads are excluded, except where the vehicle is being loaded or unloaded on a public road adjacent to a workplace.

2. Roles & Responsibilities

The following describes the roles and responsibilities in relation to work related driving.

2.1. Chief Executive

The Chief Executive has the overall accountability and responsibility for health and safety, including Driving at Work.

The Chief Executive will ensure that:

- Adequate funds and resources are available for implementing and managing the policy.
- Audit arrangements exist to oversee Driving at Work Compliance.
- Driving at Work risks are effectively managed within SMBC.
- The risk of driving at work is reduced through encouraging the use of alternative methods of transport & communication e.g. public transport, walking or video conferencing/

2.2. Directors / Assistant Directors / Heads of Service / School Governing Bodies

Directors/Assistant Directors/Heads of Service/School Governing Bodies have delegated responsibility and are responsible for implementing and managing this policy in their service area/School.

They will:

- Have overall responsibility for compliance with the Driving at Work Policy in their Directorate / Schools / Service Areas.
- Ensure adequate resources are allocated to manage risks arising from Driving at Work
- Ensure the requirements of the Driving at Work Policy and SMBC arrangements / School's arrangements are implemented.
- Consider the impact on Health, Safety and Welfare of employees involved in driving at work activities, when developing policies and procedures, approving major projects, and implementing change management initiatives.
- Ensure that Managers / Headteachers fulfil their responsibilities relating to Driving at Work
- Ensure sufficient information instruction and training is carried out.
- Monitor and review health and safety performance (including driving at work activities) on a regular basis e.g., by looking at incident and near miss statistics/reports, insurance reports, regular checks of driver documentation, regular inspections, reviewing telematics etc., where appropriate.
- Report any problems or concerns arising in connection with Driving at Work activities.

2.3. Corporate Health and Safety Board

The Corporate Health and Safety Board is responsible for developing, maintaining, and regularly reviewing the Driving at Work Policy. The Board will also endorse updates and reviews to the policy, prior to their full approval at Governance Committee.

2.4. Transport Manager

SMBC's Transport Manager will:

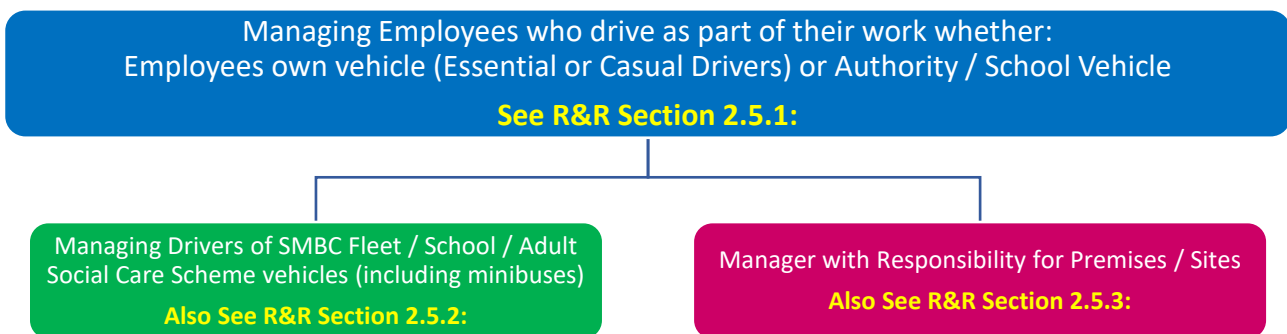
- Be responsible for the procurement, supply, maintenance & repair of all SMBC owned vehicles
- Be the nominated holder of SMBC's Goods Vehicles Operators Licence (known as the "O" Licence) and is responsible for ensuring that SMBC vehicles are operated properly.
- Provide advice and support as required to Core Council Service Line Managers in particular, regarding the purchase, maintenance and use of Minibuses. This is an additional service for Headteachers and there will be a cost attached.
- Will ensure twice yearly DVLA licence checks are carried out to ensure drivers of SMBC vehicles have a valid driving licence and are permitted to drive.

A suitably qualified and competent person will be available to deputise for the Transport Manager if required, to ensure full compliance.

2.5. Managers and Headteachers

Individually, Managers and Headteachers have responsibility for managing health and safety in their respective areas and have a duty to satisfy themselves that any drivers under their supervision can legally and safely drive the vehicle before giving authority to drive.

Managers will have different responsibilities depending on the type of driver they are required to manage.



2.5.1. Managers and Headteachers Responsibilities for All Employees who Drive for Work

Managers / Headteachers who manage any employee who drives at work, including occasional drivers (temporary employees), essential and casual car users will:

- Ensure this Policy is implemented within their service / school.
- Ensure all persons affected by this policy, including external organisations, have access to (know where to find it), or are issued with the Driving at Work Policy & supporting guidance.
- Ensure that pre-employment checks, DVLA and references, are carried out on prospective employees who may be required to drive for work to ensure that they have a valid driver's licence for the class of vehicle they may be required to drive.
- Ensure that all employees who drive for work are competent and fit to do so by:
 - Obtaining an annual driving declaration from the employee and verify that this information is current and valid. *See supporting guidance.* Which will include:
 - Proof of medical fitness to drive including declaration of eyesight health
 - Proof of driver licence validity. This can be verified by visiting: <https://www.gov.uk/check-driving-information>
 - For Essential / Casual users, proof of insurance with business cover

- For Essential / Casual users, proof of tax and roadworthy status online annually, if you wish to check this you can do so by visiting <https://www.gov.uk/check-mot-status>, (new vehicles MOT after 3 years).
- This information will be subject to Internal Audit scrutiny to verify the validity of information supplied. Failure to supply valid information may lead to disciplinary action being taken.
- Where employees are or may be required to transport Customers or Students in private vehicles the information provided in the driver declaration MUST be physically checked annually to ensure the driver is legally entitled and fit to drive (See [checking drivers licences](#)) and to ensure that the private vehicle is legal, roadworthy and has the correct class of insurance (See [checking MOT](#) and [checking road tax](#)). Also see: [Transporting Customers / Students in Private vehicle in this policy below](#) and in the Driving at work Guidance.
- Undertake a risk assessment for all drivers who drive for work. A generic risk assessment has been provided for low-risk drivers. Any driver not falling into the low-risk category will require a specific risk assessment. See below for driver risk category definitions: Risk Assessments.
- Ensure all employees are aware of the risks and controls identified in the risk assessment.
- Not permit any employee suspected of being intoxicated by alcohol, or drugs (either prescribed or illegal) or where there are concerns about driving ability, to drive on SMBC / School business and to contact HR / Transport Manager for any driving ability concerns.
- Ensure all employees are aware of any supporting guidance for driving at work.
- **Report and investigate** all work-related road traffic incidents / near misses through the SMBC Incident / Accident Reporting System in accordance with the *SMBC Accident Reporting and Investigation Guidance*.
- Consult Occupational Health for advice if they are concerned about an employee's fitness to drive.
- Consult Human Resources and or the Governing Body for advice before any action is taken because of this Policy.
- Ensure that their employees know what to do in the event of a driving emergency (this will include arrangements for contacting colleagues).
- Remind essential / casual users to carry personal vehicle insurance and any relevant breakdown information.

2.5.2. Managers and Headteachers Responsibilities for Drivers of SMBC Fleet/School/Adult Social Care Scheme Vehicles (including minibuses)

Managers and Headteachers responsible for fleet vehicles must read this policy in conjunction with the Transport Operational Policy.

In addition to the above Managers and Headteachers who manage drivers of SMBC Fleet / School / Adult Social Care Scheme vehicles (including minibuses) must:

- Ensure these drivers:
 - Have their drivers' licences checked on the DVLA website EVERY 6 months
 - Attend SMBC's approved driver training every 3 years or sooner if warranted. [See driver training and assessment \(For minibus training see: Community Transport Association\)](#)
 - Receive the correct training / assessment in the safe operation and use of vehicles, plant & associated equipment where required.
- Ensure that SMBC / School vehicles are maintained in a roadworthy condition.
- Ensure SMBC / School vehicles have the appropriate permits e.g., Section 19 Permits, etc.
- Ensure that the needs of fleet vehicle drivers, with regards to disabilities, is considered.
- Contact the Transport Manager / Headteacher to determine the person's entitlement to drive that class of vehicle if they are unsure.
- Conduct checks to ensure drivers comply with the Drivers Hours and Working Time Directive regulations where required to do so. See Transport Operational Policy.

- In the event of an incident / collision: Ensure business insurance information is carried or displayed in prominent position in all SMBC / School vehicles.

2.5.3. Managers and Headteachers with Responsibility for Premises / Sites

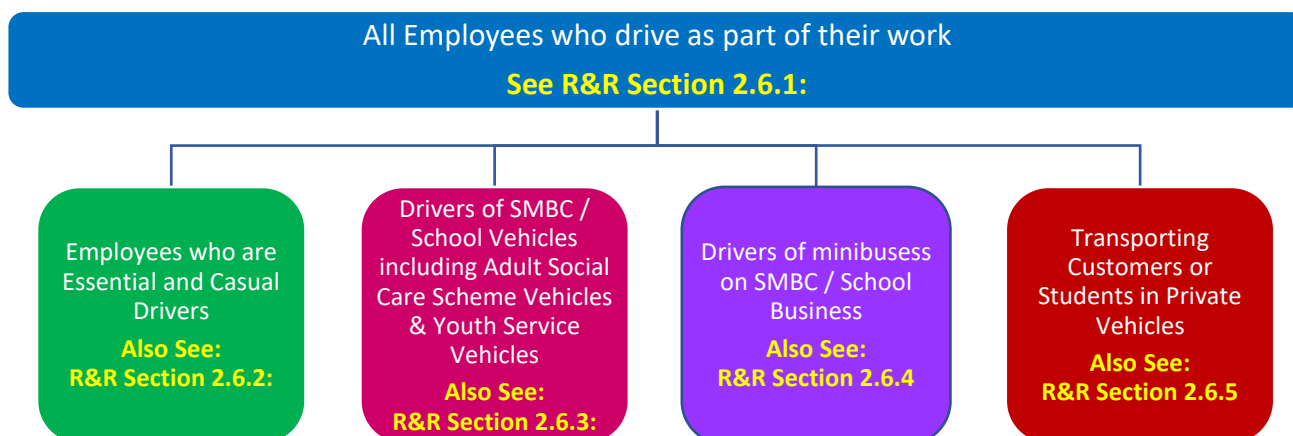
Managers and Headteachers in control of sites with vehicle access, such as car parks, stores with forklift trucks, loading bays etc will:

- Ensure arrangements are in place for safe design and use of sites for workplace transport. See [Workplace Transport](#) & [Workplace transport safety: A brief guide \(hse.gov.uk\)](#)

2.6. Employees Who Drive for Work

Employees have a clear duty under health and safety legislation to take reasonable care of their own and others health and safety while driving for work. Employees also have a duty under the Road Traffic Acts for: their vehicle's roadworthiness, the load being carried and the wearing of seat belts by passengers as detailed in The Highway Code. Therefore, implementation of this policy requires the full co-operation of all levels of all staff who drive on work business.

Employees who drive for work will have different responsibilities depending on the type of vehicles they are required to drive.



2.6.1. All Employees who Drive for Work

All employees who drive for work must:

- Ensure they are familiar with the contents of this policy.
- Comply with all relevant legislation, policies, standards, and guidance documents.
- Report any driving convictions or medical conditions that might affect their driving ability as soon as these occur to the appropriate Line Manager / Headteacher.
- Complete an annual mandatory driving declaration, for their Manager / Headteacher, to confirm:
 - They hold a valid and correct driving licence with the DVLA. See [DVLA Instructions](#).
 - They are fit to drive as per the Highway Code including eyesight and medical conditions
 - Casual and Essential drivers have valid and appropriate business class insurance, road tax and MOT (new vehicles MOT after 3 years)
 - This information will be subject to Internal Audit scrutiny to verify the validity of information supplied. Failure to supply valid information may result in disciplinary action being taken.
 - Where you are or may be required to transport Customers or Students in your private vehicle you WILL be required to physically provide proof to your manager of: your driver licence status (See DVLA Instruction), appropriate business use insurance and valid MOT (See [checking MOT](#)) and road tax status (See [checking road tax](#)). Also see: [Transporting Customers / Students in Private vehicle in this policy below](#)

- Notify their Line Manager / Headteacher (as well as the Transport Manager if driving SMBC vehicles) as soon as possible if they incur a driving ban.
- Not operate a vehicle under the influence of alcohol or drugs. This includes medications likely to impair the ability to drive safely due to side effects e.g., drowsiness, lack of concentration.
- Not do anything that will put themselves or others at risk from Work Related Driving activities
- Report any issues related to Work Related Driving to their Line Manager / Headteacher without delay. This includes any situation which represents a danger to life or property because of a shortcoming in existing procedures or controls.
- Drive safely in accordance with the Highway Code and in a way that will not bring SMBC / School into disrepute.
- Not interfere with or misuse any vehicles / machinery / plant or equipment provided for ensuring safety in and around Work-Related Driving activities e.g. First aid kits, Bollards, etc.
- Follow the instructions given by the employer or their representative related to Work Related Driving Activities.
- Where responsible for the safety others e.g., visitors, pupils ensure that they are not exposed to danger from Work Related Driving / Driving Activities.
- Read any supporting Driving at Work guidance as part of their induction training if required.
- Meet minimum eyesight standards for driving & wear corrective lenses/glasses when needed.

2.6.2. Employees who are Essential and Casual Drivers

Employees who drive their own cars (as an essential or casual part of their job or voluntarily to transport children and/or colleagues) must:

- Have appropriate business insurance and road tax for any vehicle they drive for work.
- Always maintain their vehicle in a roadworthy condition by ensuring that:
 - Lights, tyres, and critical safety items are checked before driving at work.
 - Servicing and maintenance is undertaken in accordance with manufacturer's recommendations
 - Any vehicle driven has a valid MOT and Road Tax where applicable
- Complete an annual mandatory driving declaration, for their Manager / Headteacher, to confirm:
 - They hold a valid and correct driving licence with the DVLA. See [DVLA Instructions](#).
 - They are fit to drive as per the Highway Code including eyesight and medical conditions
 - Casual and Essential drivers have valid and appropriate business class insurance, road tax and MOT (new vehicles MOT after 3 years)
- Employees may be asked to submit a copy of their insurance documents, provide details of their vehicle (number plate) for Road Tax and MOT checking (MOT for vehicles over 3 years old), to their Line Manager / Headteacher, to confirm roadworthiness of all vehicles driven for work.
- Abide by the requirements for the [Use of Mobile Phones \(or Similar Devices\) and In Vehicle Technology](#) while in control of a vehicle.
- Not drive if they:
 - Do not have a valid and correct driving licence
 - Do not have adequate and appropriate insurance cover
 - Do not have a valid Road Tax and MOT for the vehicle they are driving, where required
 - Have any doubts about their ability to drive safely

2.6.3. Drivers of SMBC/School Vehicles including Adult Social Care Scheme Vehicles & Youth Service Vehicles

This section must be read in conjunction with *the Transport Operational Policy*

Drivers of any SMBC / School vehicles or vehicles driven as a representative of SMBC / School have ultimate responsibility for traffic related matters whilst the vehicle is on the highway, including personal driving standards, road worthiness of the vehicle & the behaviour of passengers.

In addition to the responsibilities of any employee who drives at work, drivers of SMBC / School vehicles (including Adult Social Care; School & Youth Service minibuses/vehicles) must:

- Where relevant, familiarise themselves with the separate *Transport Operational Policy* and *Minibus Guidance / Handbook, Best Practice Guidelines Transporting Wheelchair Users within Education and Adult Social Services* and apply the guidance when driving.
- Provide their line manager with the required information to allow an additional 6 monthly drivers licence check to be carried out on the DVLA website.
- Carry out any required vehicle checks and report defects immediately.
- Only use SMBC / School / Adult Social Care Scheme vehicles for authorised journeys i.e., SMBC / School business. Unauthorised use may invalidate SMBC / School's motor insurance policy and leave the driver open to litigation, prosecution, or disciplinary action.
- Undertake mandatory training, training in safe methods of driving, including a driver assessment where required / instructed to by SMBC / School.
- Know the height & weight limits of their vehicles and ensure that such limits are not exceeded.
- Ensure that loads are safely secured and extending loads are properly marked.
- Not drive if they do not have a valid and correct driving licence or have any doubts about their ability to drive safely.
- Take breaks from driving as agreed with your manager or as per commercial driver hours regulations (whichever applies). [See Department of Transport guidance.](#)

2.6.4. Drivers of Minibuses on SMBC / School Business

Managers and employees who drive minibuses on SMBC / School business must ensure compliance with this Driving at Work Policy and all relevant Policies, Procedures and Guidance, including:

- Transport Operational Policy.
- Driving a Minibus Guidance and Handbook Schools and Youth Services and Best Practice Guidelines Transporting Wheelchair Users within Education and Adult Social Services.
- Best Practice Guidelines Transporting Wheelchair Users within Education and Adult Social Services These guides are available on the Health and Safety Intranet [Workplace Hazards – Driving](#) pages and [Solihull Council School Extranet Health and Safety Pages](#).
- Drivers of minibuses must be 23 or older and have held a clean driver's licence for 2 years or more
- Drivers of minibuses must also provide their line manager with the required information to allow an additional 6 monthly drivers licence check to be carried out on the DVLA website.

2.6.5. Transporting Children, Young People and Adult Customers in Private Vehicles

Managers and employees who undertake work activities requiring the transportation of Children, Young People and Adult Customers in their private vehicle must ensure compliance with this Driving at Work Policy and all relevant Policies, Procedures and Guidance.

Staff are not required to transport Children, Young People and Adult Customers in their own vehicles unless it is part of their job description, or they have indicated that they are willing to do so. The use of a competent, professional driver should always be considered as a preferred option, where reasonable and practical.

2.7. Health, Safety & Risk Service

The Health Safety & Risk Service will:

- Provide health and safety advice and guidance on work related driving matters.
- Support with the development of corporate policies and guidance on work related driving activities.

- Review reported driving related incidents/accidents/near misses to ensure appropriate action is taken and they are monitored and reviewed. Where necessary assist Managers with investigations to help prevent a recurrence.
- Advise on relevant and suitable training.
- Undertake health and safety audits and reviews.
- Liaise with any statutory bodies as necessary e.g., Police, Health and Safety Executive (HSE), Driver and Vehicle Standards Agency (DVSA).

3. Management Systems & Procedures

3.1. Legal Competency

All drivers must be legally competent to drive. To ensure that all drivers have a valid driving licence correct for the class of vehicle being driven. For employees required to drive as part of their condition of employment, Line Managers / Headteachers should carry out an initial check on the DVLA website, as part of a conditional offer of employment. Followed by annual checks using the driver declaration form. See [DVLA Instructions](#)

If a Line Manager / Headteacher is unsure of the entitlement regarding a driver, they must contact the Transport Manager who will in turn determine the next steps to establish the person's entitlement to drive that class of vehicle. This is a paid service for schools.

In addition, at any time sample audits will be undertaken by Internal Audit, Health, Safety and Risk Service or the Transport Manager to ensure employees have all the necessary documentation relating to the driver and vehicle plus fitness requirements to drive for work.

Failure to provide copies of any requested documentation/proof may result in the driver not being permitted to drive on SMBC / School business until the matter has been satisfactorily resolved. All information will be treated in the strictest confidence.

Drivers that have been disqualified from driving will be relieved of all driving duties with immediate effect. Advice will be sought from Human Resources to identify, in consultation with the individual and their Line Manager / Headteacher, the most appropriate course of action. In some instances, this may result in termination of employment. Each case will be dealt with on its own merits.

A reminder that for road traffic offences (e.g., speeding) the driver would go to court and for vehicle offences (e.g., defective tyres), the driver and / or the registered keeper would go to court.

3.2. Driver Training & Assessment

Drivers must be capable of performing their driving activities legally safely and responsibly. The level of competence required depends on the vehicle they are required to drive and the tasks and activities they will be required to carry out.

It is the managers responsibility to ensure that:

- Drivers possess the necessary licences or certificates for the vehicles they drive.
- Drivers are authorised to drive the vehicles they are driving.
- Drivers previous experience has been checked.
- Drivers have been risk assessed to ensure they are competent. Include ability and attitude.
- Organisation, role, and site-specific training has been provided.
- Procedures / Training are in place for ensuring continued competence

See [HSE guidance on driver competence](#)

Except for those who drive SMBC / School vehicles, experience suggests there is no business case for blanket driver training across SMBC / Schools. To ensure a standard level of driving safety knowledge,

E-learning with separate guidance is being developed for all drivers. For specialist or individual concerns, contact, the Health, Safety and Risk Service or Transport Manager.

Drivers of SMBC / School vehicles (including minibuses) / Adult Social Care Scheme Vehicles are required to attend SMBC's approved driver assessment before being allowed to drive and thereafter, every 3 years. Re-assessment may take place more often if an incident merits it e.g. an individual driver is convicted of a traffic offence, such as speeding, is involved in a blameworthy collision or if complaints have been received. Contact the Transport Manager for more information.

3.3. Risk Assessments

A detailed risk assessment of every driver is not practical. There are common risks faced by all drivers, therefore it is sensible to manage common driving risks based on a generic driving risk assessment which must be specific to the Service / School.

Drivers have been classified according to the journey and the driving activity they may be required to undertake. These classifications will determine the type of risk assessment needed and the level of control required to manage the risks.

A generic risk assessment has been created with the minimum controls required for all low risk driving activities. This will need to be added to depending on the risk category of the driver, the vehicle that is being driven and the driving activity that they will be required to undertake. Refer to the Driving at Work generic Risk Assessment or it is also available on the ASSURE Health and Safety Management System Risk Module or via any of the ASSURE Portals Under:

Records ⇒ Activity Risk Assessment ⇒ REF: 24 Title: Driving Generic Risk Assessment for Simple Driving at Work Activities

Where multiple drivers are performing the same activities in the same type of vehicle a generic risk assessment may be used for all the drivers if it is relevant and specific to the Service / School concerned e.g. daycentre minibus transporting elderly residents locally. Where the activity has a significant risk e.g. transporting hazardous loads, an individual risk assessment specific to that activity will be required.

Individual driver Risk Assessments should be carried out for drivers once they reach 3 penalty points if they have passed their driving test in the last 2 years, and for all other drivers once they reach 6 penalty points as they are at higher risk of losing their licence if they receive another penalty. Appropriate control measures must be implemented to support them and prevent, where possible any further offences e.g., driver awareness training, monthly manager reviews, toolbox talks etc.

Further guidance on additional controls over and above the minimum generic controls is provided in separate supporting guidance. Note: These controls are not an exhaustive list, and it may be required to include others specific to your circumstances.

3.3.1. Driver Risk Categories

Low Risk Driver	<p>Is categorised as a Casual or Essential Driver who:</p> <ul style="list-style-type: none">• Drives less than 120 miles or 2 hours continuous driving as part of a normal working day• Drives from usual place of work to another work location• Transports occasional small non-hazardous items e.g., a box of documents on behalf of SMBC / School• Transports an occasional passenger for business purposes on behalf of SMBC / School
Medium Risk Driver	<p>Is categorised as ANY Driver who:</p> <ul style="list-style-type: none">• Drives more than 120 miles or more than 2 continuous hours driving as part of a normal working day• Drives from usual place of work to another location on work business (including outside of SMBC limits)• Transports Passengers on behalf of SMBC / School in fleet or private vehicle• Transports regular items / multiple items that:<ul style="list-style-type: none">○ That may be large or heavy○ Awkward○ Require multiple persons to lift○ Require lifting aids
High Risk Drivers	<p>Is categorised as ANY Driver who:</p> <ul style="list-style-type: none">• Transports disabled and vulnerable passengers• Transports oversized loads• Is involved in any towing activity• Travels long distance journeys lasting more than 2 hours outside of SMBC limits• Transports Dangerous loads (See HSE guidance) i.e., chemical, biological, radioactive, and pressurised, etc.• Has 3 penalty points within 2 years of passing their driving test and for all other drivers once they reach 6 penalty points

3.4. Work Related Road Traffic Incidents

Any employee who is driving on SMBC / School business must report all vehicle / driving incidents to their Line Manager / Headteacher or other designated person(s) within 24 hours. Also, if driving a business/fleet vehicle it needs to be reported to the designated insurer and if driving a private vehicle this may need to be reported to the private insurer in accordance with the terms of the insurance. The reported incident may be subject to further investigation / review. This must be recorded on the [Assure](#) accident/incident recording system.

This includes whether the accident relates to an accident while driving an SMBC / School vehicle, their own car, or any other vehicle and whether the accident was the fault of the employee or not.

3.5. Notification of Driving Offences / Penalty Points

To enable SMBC to meet its legislative requirements, and for employees to meet their requirements under health and safety legislation, **employees must notify their Line Manager / Headteacher immediately or within 24 hours of notification or issue of any driving offences or penalty points.** Failure to do so may result in disciplinary action being taken.

This is irrespective of whether the conviction relates to an offence while driving an SMBC / School vehicle, their own car, or any other vehicle (this only applies to those offences that appear on the licence so does not include car parking offences).

The Transport Manager must also be notified in cases where employees drive SMBC / School owned fleet vehicles.

See <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>.

Where an employee has been issued with a driving offence or penalty points, consideration can be given to whether they are still eligible to drive SMBC / School owned fleet vehicles, are able to carry out their roles and arrangements are in place to ensure the welfare of employees and non-employees while driving at work. This includes endorsements that are current / pending and for new employees where the endorsements end date falls within the last three years. Additional risk control measures and driver training will need to be considered for employees who are repeat offenders or are at risk of losing their licence.

A driver can be disqualified if they accrue 12 or more penalty points unless they have passed their licence in the previous 2 years. In this situation, newly qualified drivers' licences will be cancelled (revoked) if they accrue 6 or more penalty points within 2 years of passing their test.

Managers must ensure that they conduct and document the review with the drivers concerned once: Drivers reach 3 penalty points (driving test passed in the previous 2 years) and for all other Drivers once they reach 6 penalty points. Individual driver Risk Assessments should be carried out for these drivers and appropriate control measures implemented to support them and prevent, where possible any further offences e.g., driver awareness training, monthly manager reviews, toolbox talks etc.

3.6. Medical Conditions

Drivers must declare to their Line Manager / Headteacher immediately if:

- They are suffering from any medical condition that would legally prevent them from driving on the public highway.
- Taking medication that may adversely affect their ability to drive.
- Or if they have any reason to believe they have any other medical condition / personal circumstance that might adversely affect their ability to drive safely.

The Line Manager / Headteacher is responsible for taking action by relieving the person from driving duties as appropriate and contacting the Transport Manager, Human Resources and/or the Occupational Health Service (who can assess the individual concerned and advise line manager regarding the appropriate course of action). See <https://www.gov.uk/health-conditions-and-driving>

3.7. Mobile Phones (or Similar Devices) and In Vehicle Technology

This section applies irrespective of whether employees are using a work provided or personal mobile phone or similar device. Employees **MUST** always exercise proper control of their vehicle.

3.7.1. Handheld Mobile Phones (or Similar Devices), In Vehicle Technology and Satellite Navigation Systems (Satnavs)

Employees **MUST NOT use, pick up, or touch** a handheld mobile phone or similar device capable of interactive communication (including smart watches) for ANY PURPOSE such as making calls and sending text messages, checking emails, watching entertainment e.g., films or viewing websites while behind the wheel in control of a vehicle.

It is also illegal to use a handheld device such as a satnav device or while in control of a vehicle. This applies even when the interactive communication capability is turned off or unavailable.

It is also an offence to "cause or permit" a driver to use a handheld device while driving. Therefore, employers can be held liable as well as the individual driver if they require employees to use a handheld device while driving.

The mobile phone driving law also applies if:

- You stop at traffic lights.
- You are stuck in a traffic jam.
- Your vehicle is in automatic 'stop-start' mode.
- You're a passenger who is supervising a learner driver.

The only times you are legally allowed to use a handheld device in your car are:

- If you are safely parked (not in traffic) and the engine is off.
- If you need to call 999 or 112 emergency services and it's not safe or impractical to stop.
- You are using your device for non-contact payments at a contactless payment terminal, but your vehicle **MUST** be stationary, and the goods or services **MUST** be received at the same time as, or after, the contactless payment.

If you are caught using a mobile phone while driving, you will be given a fixed penalty notice with a fine and currently six penalty points on your licence. Courts can increase fines for car drivers up to £1,000, and HGV and bus drivers up to £2,500 while issuing a driving disqualification.

If you are a new driver and are issued 6 penalty points within 2 years of passing your licence you will lose your licence. For current penalties, see:

<https://www.gov.uk/stopped-by-police-while-driving-your-rights/minor-motoring-offences>

<https://www.gov.uk/guidance/the-highway-code/annex-5-penalties>

3.7.2. Handsfree Mobile Devices

You can use a mobile device while driving if it is set up correctly with a hands-free device such as a:

- Bluetooth headset
- Built-in voice command computer
- Dashboard cradle (It must not obscure or restrict your view)
- Windscreen mount (It must not obscure or restrict your view)
- Built-in sat nav

However, you may still be prosecuted for using a mobile device in these circumstances if you are deemed by a police officer to be distracted using the device resulting in failing to have proper control of the vehicle leading to a prosecution for careless or dangerous driving.

The following guidelines **must** be followed when driving at work:

- Calls must not be answered or initiated whilst driving.
- Drivers should stop at a safe place to receive, return, or initiate a call, after turning the vehicle off.
- It is vital that when stopped you switch off the vehicle engine otherwise you will still be liable.
- The hard shoulder of a motorway or side of a busy road is not a suitable place to make or receive calls.
- Making or receiving calls while at traffic lights or in a queue of traffic constitutes using a mobile phone whilst driving and is therefore an offence.
- Texting, Internet messages, videophones; using a mobile phone or similar equipment for any of these purposes whilst driving is prohibited.
- If visiting areas that prohibit or restrict use of mobile phones on their site, then the site rules / signage must be followed.
- If using your mobile phone for navigation purposes, you must plan your route and commence the navigation before you start your vehicle, and your device must be appropriately secured using a suitable cradle.
- If you need to amend your navigation during your route drivers should stop at a safe place to make the required changes and switch off the vehicle before touching the device.

When driving at work on behalf of SMBC/School, it is important to remember that Local Government employees are public servants and as such, the public expects a high level of trust and conduct in their actions.

Inappropriate use of mobile phones by employees on SMBC/School business could result in disciplinary action being taken.

3.8. Use of Battery Electric Vehicles / Hybrid Electric Vehicles / Plug in Hybrid Electric Vehicles (BEV, HEV, PHEV)

This new and evolving technology introduces additional hazards to the workplace that employees need to be aware of both from an operator’s perspective and from a management / maintenance perspective.

The support infrastructure must be installed and operated in accordance with the latest regulations, manufacturer’s instructions and codes of practice and the risks and hazards posed by this infrastructure must be suitably assessed by a responsible person.

Vehicles must be safe for use, appropriate for the use and maintained in accordance with the manufacturer’s guidelines.

Employees required to use and operate these vehicles must be given appropriate and adequate training to be able to do so safely and the risks and hazards associated with those activities must be adequately assessed by a responsible person.

3.9. Workplace Transport

To manage workplace transport effectively, there are three key areas to consider when carrying out a risk assessment:

- Safe site (design and activity)
- Safe vehicle
- Safe driver

To ensure a safe site the [Workplace transport safety: A brief guide \(hse.gov.uk\)](https://www.hse.gov.uk/workplacetransport/) must be considered:

Design:	Activity:
<ul style="list-style-type: none"> • Design • Segregation • Traffic routes • Temporary traffic routes • Visibility • Speed • Signs, signals, and markings • Lighting • Refuelling / recharging 	<ul style="list-style-type: none"> • Reversing • Signalling • Parking • Stowage of charging cables • Coupling and uncoupling • Loading and unloading • Tipping • Overturning • Sheeting • Housekeeping

3.10. Vehicle Technology and Telematics

Vehicle telematics are or may be installed in all fleet vehicles including pool vehicles. The system may require individual driver identification and collects a range of data from the vehicles it is installed in. Journey data including route, times, speeds, and other data relating to the way vehicles are driven will be collected and stored by the system.

SMBC / Schools will use vehicle technology and telematics devices and the information they provide for the purposes of:

- Providing additional protection to employees and to fully meet health and safety obligations.
- Provide efficient services by ensuring vehicles are used effectively.

- Ensure that driver practices are compliant with Health and Safety legislation and transport industry best practice
- Provide real time service delivery information and monitor operational progress

Managers will be required to monitor this data weekly and highlight any issues indicating poor driving standards to relevant line managers for further investigation / action.

Employees will be responsible for ensuring that they register their details with the system before operating any vehicle and under no circumstances will they share their identification details.

4. Fair Treatment Assessment

This policy has been subject to a Fair Treatment Assessment. In accordance with the Equality Act 2010 equality and diversity issues have been considered in the development of this policy and no equality issues were identified.

5. Policy Review

This Policy shall be reviewed and updated every three years or sooner if there are any significant changes to current relevant Legislation, HSE approved codes of practice or guidance, or as the result of the outcome of an incident review. Policy reviews will be reported to SMBC's Corporate Health and Safety Board.

6. Further Advice & Guidance

The Health, Safety and Risk Service has an extensive intranet site where further advice and guidance is available on all aspects of health and safety.

Telephone 0121 704 6328, or via email healthandsafetysupport@solihull.gov.uk

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