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**Driving for Work Policy**

**November 2023**

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| **Authorship:** | Risk Assurance and Safety Lead - HNY ICB |
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 **The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as ‘uncontrolled’ and as such may not necessarily contain the latest updates and amendments.**

**AMENDMENTS**

Amendments to the policy may be issued from time to time. A new amendment history will be issued with each change.

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# Introduction

For the purposes of this policy Humber and North Yorkshire Integrated Care Board (ICB) will be referred to as 'the ICB'.

There is a legal duty under the Health & Safety at Work Act 1974 to ensure as far as reasonably practicable, the health and safety of all employees while at work. HNY ICB and its employees also have a duty to ensure that others are not put at risk by their work-related activities.

Work related driving may be an essential part of our business delivery, therefore the care of our employees is of paramount importance. Employees should ensure that they comply with all driving and vehicle laws to keep themselves and others safe.

# Purpose

The purpose of this Policy is to provide appropriate guidelines to ensure that HNY ICB complies with its statutory duties to manage the risks associated with Driving for Work. The principles of this policy shall apply to all work situations where driving is involved.

Whilst driving for work purposes, staff must comply with road traffic legislation, be conscious of road safety and demonstrate safe driving and other good road safety habits.

The following actions will be viewed as serious breaches of conduct and dismissal may be a consequence:

• drinking or being under the influence of drugs or alcohol whilst driving.

• driving while disqualified or not correctly licensed.

• reckless or dangerous driving causing death or injury.

Also, non-disclosure of criminal convictions, which may include one of the above, will be considered a breach of terms and conditions and may result in dismissal.

# Scope

This policy applies to all employees of the ICB, any staff who are seconded to the ICB, contracted and agency staff and any other individual working for the ICB.

# Implementation

This policy will be available to all staff for use via the ICB Internet.

All managers are responsible for ensuring that relevant staff within the ICB have read and understood this document and are competent to perform their duties in accordance with the procedures described.

# Roles and responsibilities

5.1 **The Executive Director Corporate Affairs shall:**

* have overall responsibility for ensuring compliance with Health & Safety legislation.
* ensure effective implementation of the Driving for work Policy within the organisation.

# 5.2 Line Managers shall:

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* Verify drivers’ documentation through the EASY expenses system which is a requirement before any travel expenses can be claimed.
* ensure that employees involved in accidents in the course of their work receive the appropriate support and participate in any appropriate accident investigation and recommendations and ensure the Incident is placed on the HNY ICB Incident App for monitoring purposes within 3 days of the incident.
* Take appropriate action, should anything be brought to their attention regarding a change in circumstances that may impact on an employee’s ability to drive seeking advice where required, From HR or H&S lead.

## 5.3 All Staff shall:

* Ensure they submit vehicle documentation through the Easy expense system prior to travel and ensure verification via line manager whether they intend to make expenses claims or not.
* inform their line manager immediately if, for any reason, their licence is no longer valid.
* ensure their insurance policy includes business cover for the amount and type of business mileage they undertake; employees who do not have business insurance are able to drive to and from their work base, e.g., driving to & from meetings at another work site during the day would not be covered)
* ensure that their vehicle is taxed and has a valid MOT if applicable.
* report any crashes, incidents, and motoring convictions which occurred in the course of their work to their line manager.
* co-operate with any reporting and investigation procedures in the event of an accident or incident.
* Required to inform their line manager of any change in circumstances that may impact on the employee’s ability to drive in the course of their work.
* plan to have suitable breaks when driving to prevent fatigue.
* They must not drive unless they feel physically and mentally fit to do so.
* They must not drive while under the influence of alcohol or drugs.
* remember that some prescription drugs can adversely affect the ability to drive and check with doctor or pharmacist.
* never undertake using a mobile phone while driving unless with approved fitted hands free kit (as outlined below 6.2)
* Consider the use of other, more sustainable methods of transport to support green/sustainability agenda whilst also reducing time spent driving and associated risks.

**6.0 Additional Matters**

## 6.1 Use of Mobile Telephones whilst Driving

It is illegal to use a mobile telephone in the car at any time when the ignition is on, unless fitted with a hands-free facility. This includes when stationary at traffic lights or when parked on or adjacent to roads when the engine is running. No HNY ICB employees should use a mobile phone unless using a portable hands-free kit whilst in the driving seat of a vehicle and the ignition is on.

Only cars fitted with hands-free kits are acceptable. Whilst driving, making calls with a car fitted hands free kit must be restricted and kept to a minimum. When answering incoming calls, employees should inform the caller that they are driving or set up in advance an auto answering function of the mobile phone such as a messaging service. Employees should be aware that even though the use of fixed hands-free kits is not illegal, there is still a possibility of prosecution if a law enforcement officer believes that they were not in full control of the vehicle. For this reason, usage should be kept to a minimum whilst driving.

At present, it is not an offence to use a hands-free phone while driving, despite the risks being similar. However, the police can stop drivers who they deem not in control because of distraction, including using a hands-free phone, and this can result in prosecution.

Any use of a handheld mobile device **is strictly prohibited** whilst the car engine is switched on. The use of any handheld mobile device for reading or responding to emails **is strictly prohibited** whilst the car ignition is switched on.

The ICB does not expect its employees to be making or receiving calls, regardless of the availability of hands-free technology with the vehicle, whilst driving for work. The only expectation of driving for work is to get from A to B as safely as possible.

**6.2 Driver’s Safety**

Employees and Managers should consider whether a road journey is necessary or whether alternative methods of transport or Digital technology can be utilised.

Employees and managers should ensure that necessary journeys are scheduled to a realistic timetable and planned to take into account the essential need for rest periods, delays due to road works and any weather limitations/restrictions.

**7 Fines**

Employees will be responsible for anyspeeding, parking, or other infringement fines and for any associated legal costs.

# Arrangements for Review

No policy or procedure will remain operational for a period exceeding three years without a review taking place or as required legislative changes or following incidents.

# Dissemination

The Chief Executive will ensure through the ICB’s line management arrangements, that Driving for Work Policy considerations are included in any future business planning.

Directors will ensure appropriate cascading of Driving for Work procedures throughout their area of responsibility to ensure that the needs of the organisation are identified, prioritised and that any appropriate resources are allocated.

Line managers should make staff who drive in the course of their work are aware of this policy as part of normal line management conversations.

# Monitoring the Effectiveness of and Compliance with This Policy

The effectiveness of this Policy will be monitored by the Health & Safety Lead as a part of the annual audit and the results will be communicated as a part of the Annual Health & Safety Report

Ongoing monitoring will also be undertaken to identify any potential changes in legislation and/or relevant Codes of Practice, following which the policy will be updated and submitted to the relevant committee for approval.

# 11 Associated Documentation

HNY ICB Health and Safety Policy

HNY ICB Incident Reporting Guidance

 HNY ICB Travel & Expenses Policy

# References

The main Acts and regulations which have a bearing on driving for work are:

* Health & Safety at Work Act etc. 1974
* Management of Health & Safety at Work Regulations 1999
* Corporate Manslaughter and Corporate Homicide Act 2007
* Road Safety Act 2006

Each of these contains provisions which stipulate that non-compliance is a criminal offence and set out the penalties for such offences. The penalties on conviction include fines, imprisonment, or both. Those with managerial responsibility within the HNY ICB, as well as the corporate body, may be prosecuted.

# Impact Assessments

## Equality

NHS Humber and North Yorkshire ICB is committed to creating an environment where everyone is treated equitably and the potential for discrimination is identified and mitigated. It aims to design and implement services, policies and measures that meet the diverse needs of our service, population, and workforce, ensuring that none are placed at a disadvantage over others.

This impact assessment should be completed for all human resources (HR) and corporate policies, projects or functions that apply to colleagues at NHS Humber and North Yorkshire Integrated Care Board (ICB).

The EqIA for this policy can be found attached to the bottom of this policy and be found on the HNY ICB Internet.

Potential adverse impact on any protected group identified through the EqIA will be monitored as part of the routine work to monitor compliance with the policy.

## Bribery Act 2010

Due consideration has been given to the Bribery Act 2010 in the development (or review, as appropriate) of this policy document, further details can be found below.

The ICB follows good NHS business practice as outlined in the Business Conduct Policy and the Conflicts of Interest Policy and has robust controls in place to prevent fraud, bribery, and corruption. Under the Bribery Act 2010 there are four criminal offences:

• Bribing or offering to bribe another person (Section 1)

• Requesting, agreeing to receive, or accepting a bribe (Section 2).

• Bribing, or offering to bribe, a foreign public official (Section 6).

• Failing to prevent bribery (Section 7).

## General Data Protection Regulations (GDPR)

The UK General Data Protection Regulation (GDPR)/ Data Protection Act 2018 includes the requirement to complete a Data Protection Impact Assessment for any processing that is likely to result in a high risk to individuals. Consideration should be given to any impact the policy may have on individual privacy; please consult NHS Humber and North Yorkshire ICB Data Protection Impact Assessment Policy. If you are commissioning a project or undertaking work that requires the processing of personal data, you must complete a Data Protection Impact Assessment.

The ICB is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the Data Protection & Confidentiality Policy and related policies and procedures.

**APPENDIX A**

**Driver and Vehicle Safety Checks Safe Driving Advice**

There are many factors, which contribute to road accidents, most of them can be controlled to some extent. They include:

* **Vehicle condition and road worthiness**
* **Driver condition and fitness**
* **Weather conditions**

**Vehicle Condition:**

The driver is responsible for ensuring the vehicle is road worthy. driver should do this by:

* Keeping the vehicle clean and well maintained at all times.
* Keeping the vehicle legal – condition, taxation, insurance, MOT
* Checking the vehicle regularly – before significant journeys and as part of the general upkeep
* Ensure there is range of ‘rescue’ equipment appropriate to the journey in the vehicle.

**Vehicle Inspection**

For the driver’s own safety, as well as to meet legal requirements, the following checks should be made by the driver.

A **daily inspection** should be carried out to check that:

* There are no obvious faults.
* There has been no damage to the vehicle.
* Mirrors are in the correct position, including internal.
* The fuel level is sufficient for the journey.
* Windows are clean and undamaged.
* Brakes are working.

A **weekly inspection** to check that:

* Tyre pressures are correct (refer to the manufacturer’s handbook).
* Tyre tread is within legal limits (1.6mm across the central three-quarters of the tyre tread width and around the entire outer circumference).
* Tyres should be free from cracks, worn patches and bulges, particularly on the sides.
* Lights, windscreen washers, wipers and indicators are in working order, inc warning lights.
* Oil, coolant, battery levels and water levels are satisfactory.
* Any service/maintenance requirements have been complied with.
* Seatbelts fitted correctly and function properly.

**Safety Equipment examples in the vehicle:**

Some examples are listed below, for further guidance refer to: <https://www.gov.uk/browse/driving/highway-code-road-safety>

* Warning triangle
* Spare tyre
* Fire extinguisher
* First Aid Kit
* Torch
* Driver Safety Information
* Driver Guidelines for Accident/Incidents Action
* Map
* Spare bulbs
* Spare fuel (this must be contained within an approved fuel carrier)
* De-icing equipment – spray de-icer, ice scraper
* Jump leads.
* Washer fluid

**Driver Safety**

Every driver is responsible for ensuring they are physically fit enough to drive before they get behind the wheel. This is not just legally competent (free of intoxicating drugs and alcohol) but also:

* Medically fit – free from an illness/medical condition that may cause a problem. Where medication has been prescribed for any ailment, ensure this does not cause drowsiness.
* Mentally fit and alert – free from undue stress or anxiety that may prove a distraction.
* Good eyesight – using corrective appliances where needed.
* Well rested.

Remember that the residual effects of alcohol from a night out the previous evening may still affect the speed of your reaction, your judgment or co-ordination, even if you are legally within the drink-driving limit.

Your mood, physical well-being, and the amount you have eaten can all affect your ability to handle alcohol. Remember that keeping to the legal limits for drink driving is no guarantee of fitness to drive or safety when driving.

**Journey Planning**

A significant number of accidents occur when a driver becomes drowsy. There are many things which many cause drowsiness:

* Lack of sleep before a journey
* Long, monotonous journey
* Consuming alcohol before a journey/aftereffect of the ‘night before’
* Journey home after night shifts or after long hours at work
* After taking medication
* At certain times of the day i.e., very early mornings

Apart from losing complete control of the vehicle should the driver fall asleep, the level of risk is heightened when the driver is tired, e.g., reaction times are slower; crucial decision making may be impaired; alertness/concentration affected.

**Before you start:**

**1. Time**

Calculate how long a journey will take then include additional time for rest breaks and unexpected delays e.g., traffic jams.

**2. Rest**

Ensure you have had a normal amount of sleep prior to commencing the journey. Plan rest breaks, ideally ever two hours or sooner if feeling tired.

**3. Plan**

Plan out the route and write out simple instructions that are easy to follow. Consider noting an alternative route in the event of a major delay.

**4. Check the vehicle**

Carry our safety checks on the vehicle, ensuring that everything is functioning: wipers, washer, lights and that there is sufficient fuel and water for the journey.

**5. Share your schedule**

Ensure that someone has a copy of your journey plan / Calendar and knows what time you are due to arrive and or leave.

**Driver’s Licence Checklist**

Drivers licence checks can be undertaken using the UK online system. Paper licenses are no longer an acceptable form of proof of eligibility to drive.

You should only use this service to view or share your own driving licence.

<https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number>

* Check name and address on licence (if photo card, on paper counterpart too)
* Check the licence is current (e.g., date on photo card, if applicable)
* Check that vehicle category codes provide eligibility for vehicle being driven.
* Check licence is full and has no restrictions (e.g., age)
* Check for endorsements. If there are any, which cause concern, contact the Human Resources Department or Health & Safety Advisor.

 **If the employee must tow a trailer: Below list was correct at time of writing - for up-to-date information, follow link:** [Driving licences - GOV.UK (www.gov.uk)](https://www.gov.uk/browse/driving/driving-licences)

* Does the licence cover this (note post-1997 restrictions)
* Is the vehicle suitable for towing (MAM and licence limitations)
* Is the trailer suitable for the vehicle towing it (MAM and licence limitations)
* Has the employee passed the trailer test (note post-1997 restrictions)?
* Has the employee received any additional training for towing trailers?

**If the employee is to drive a minibus: Below list was correct at time of writing - for up-to-date information, follow link:** [Driving licences - GOV.UK (www.gov.uk)](https://www.gov.uk/browse/driving/driving-licences)

* Does the licence cover this (note 1997 restrictions) /
* Number of passenger seats?
* Is driver over 21?
* Is it for hire or reward (is a PCV category, D1 or D required and higher medical standard)?
* Has the driver passed the minibus test, or had additional training?
* Does the driver have a Minibus and Community Bus Permit?
* Is the minibus going to be towing a trailer?
* Is the vehicle suitable for the trailer it is towing (MAM and licence limitations)?
* Is the trailer suitable for the vehicle towing it (MAM and limitations)?
* Does the driver’s licence allow towing by minibus?

**Overseas visitors/residents:**

* Is the driver on a visitor’s visa or are they a resident in Great Britain (GB)?
* Do they hold an EC/EEA licence?
* Minimal restrictions on driving in GB for cars and light vehicles
* Can be exchanged for a GB licence.
* Some restrictions on heavy vehicles and vocational licences
* Do they hold a designated country licence?
* 12-month limitation on existing licence for cars and light vehicles
* Must exchange driving licence for a GB licence within 12 months.
* Vocational drivers required to pass GB test for medium-sized or large vehicles or passenger vehicles (with some exceptions)
* Do they hold a licence outside EC/EEA and designated countries?
* 12-month limitation on existing licence for cars and light vehicles
* Must take GB driving test within the 12 months but can drive on a GB provisional licence without usual restrictions.
* Vocational drivers required to pass GB test for medium-sized or large vehicles or passenger vehicles (with some exceptions)

 **If in doubt, contact the DVLA on 0300 790 6801 for driver licensing inquiries or visit:** [Driving licences - GOV.UK (www.gov.uk)](https://www.gov.uk/browse/driving/driving-licences)