HEALTH & SAFETY POLICIES

DRIVING AT WORK POLICY

May 2016
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EXECUTIVE SUMMARY

KEY MESSAGES

1. NHS Lothian, as an organisation, has a duty under health and safety law to ensure the risks to staff from driving at work on its behalf are minimised and controlled as far as is reasonably practicable.
2. NHS Lothian has a duty to ensure that anyone who drives on NHS Lothian business does so in a manner that promotes the principles of safe driving and, where required, are suitably trained to do so.
3. Any employee driving at work is required to fully cooperate with the implementation of the Driving at Work Policy.
4. A risk assessment must be carried out where hazards associated with driving at work are identified and appropriate control measures assessed and implemented.
5. NHS Lothian requires that staff driving at work must never make outgoing or answer incoming calls, send or read texts or emails or otherwise use a mobile phone while driving, except to make an emergency 999 call and it is unsafe and impractical to stop to do so.
6. In the event of an NHS Lothian or a media source notification/alert of adverse weather, a decision should be made by the respective management teams in conjunction with staff members as soon as practicable as to whether driving at work takes place or not.
7. Staff must inform their line manager about any changes in the status of their licence or their health that could affect their continued driving.
8. The policy should be read in conjunction with the Guidance on the Management and Use of Vehicles within NHS Lothian 2016.

MINIMUM IMPLEMENTATION STANDARDS FOR DEPARTMENTS

Managers

1. The manager has identified the employees in his or her area to whom the policy applies and has given the policy (or selected excerpts) to them.
2. The manager has assessed the impact of the policy on current working practices, and has an action plan to make all necessary changes to ensure that his or her area complies with the policy.
3. The manager has set up systems to provide assurance to him or her that the policy is being implemented as intended in his or her area of responsibility.

Employees

1. The member of staff has read the policy (or selected excerpts) and considered what it means for him or her, in terms of how to conduct his or her duties.
2. The member of staff has completed any driver training that may be required as part of the implementation of the policy.
1.0 Introduction

1.1 More than a quarter of all road traffic incidents may involve somebody who is driving as part of their work at the time. Health and safety law applies to on-the-road work activities as it does to all work activities. The risks should therefore be effectively identified and controlled within a health and safety management system.

Therefore effective management of work-related road safety helps reduce the risks to those who drive at work and others, it could also result in, for example: fewer injuries to drivers; reduced risk of work-related ill health and improved morale.

1.2 This Policy should be read in conjunction with the associated detailed document: Guidance on the Management and Use of Vehicles in NHS Lothian 2016.

2.0 Legal considerations

2.1 The Health and Safety at Work etc. Act 1974 requires employers to take appropriate steps to ensure the health and safety of their employees and others who may be affected by their activities when at work. This includes the time when they are driving, whether this is in an NHS Lothian or hired vehicle, or in the employee’s own vehicle.

*Health and safety law does not apply to commuting (home to usual work base), unless the employee is travelling from their home to a location which is not their usual place of work.

2.2 The Management of Health and Safety at Work Regulations 1999 require employers to carry out risk assessments as required, make arrangements to implement the necessary control measures, appoint competent people and arrange for appropriate information and training.

3.0 Policy statement

NHS Lothian takes extremely seriously the health, safety and welfare of its entire staff. It recognises the risks to staff who need to drive at work and is committed to the prevention of injury, loss of life and damage to property from work-related driving incidents and accidents. The purpose of this policy is to enable NHS Lothian to meet its obligation to protect staff so far as is reasonably practicable from all foreseeable risks associated with driving at work.

4.0 Scope of the Policy

4.1 The policy applies to all work-related driving arising in connection with the duties and activities of our staff.

5.0 Policy aims

5.1 This policy aims to increase staff awareness of safety and health issues associated with driving at work risks and to:

- make sure that risk(s) in relation to driving at work is or assessed in a systematic and ongoing way, and that safe systems of work are put in place to
reduce any foreseeable risk as far as is reasonably practicable;

- ensure that any driver training need is based on the findings of the risk assessment process.

- make sure that managerial and other support are available to staff involved in driving at work incidents and accidents;

- encourage reporting and recording of all incidents and accidents arising in the course of driving at work;

- provide where the risk assessment process determines, practical information/education and instruction to staff on driving at work to reduce the number of incidents and accidents and harm caused.

6.0 **Responsibilities**

6.1 The **Chief Executive** is responsible for:

- through the various line management structures, ensuring that there is in place effective arrangements for identifying, evaluating and managing the risks associated with driving at work

- providing sufficient resources for putting the requirements of the policy into practice.

6.2 **Line managers** are responsible for:

- making sure that all staff who drive at work are aware of the policy

- making sure that the driving at work risk assessment process is carried out and that the significant findings are recorded, shared with staff and others, and discussed and regularly reviewed

- using the information from the risk assessment process to put into place procedures and safe systems of work designed to eliminate or reduce the likelihood of driving at work incidents or accidents

- making sure that staff groups and individuals identified as being at risk from driving at work are given appropriate information, instruction and, where required, training

- support staff involved in any incident and accident associated with driving at work

- investigating and recording driving at work incidents and accidents

- undertaking an annual check of licences, insurance certificates and, where applicable, MOT certificates for all staff involved in driving at work

- ensuring that in cases where the licence or insurance details are not in line with the legal requirements, the staff member is not allowed to continue to drive at work.

6.3 All **staff** are responsible for:

- taking reasonable care of themselves and other people who may be affected by their actions
• co-operating by following rules and procedures designed for safe working related to driving at work;
• reporting all incidents and accidents in relation to driving at work;
• taking part in driving at work training identified through the risk assessment process
• reporting any hazards and any significant risks they identify or any concerns they might have about driving at work.
• disclosing to their manager if there are any unfit to drive concerns e.g. through ill health and driving offences.

7.0 Assessing risk

7.1 The risk assessment process must be carried out in all areas of work where driving at work is undertaken. The risk assessment will involve identifying the significant hazards and risks associated with driving at work activities. It should clearly identify who will be affected and how, and the control measures which are needed to eliminate or reduce the risk to the lowest level reasonably practicable.

A person must have the competence to undertake the assessment. This includes relevant experience of the driving at work task, knowledge of the work circumstances and any specific driver training required. The risk assessment process must involve those staff who undertake driving at work. The significant findings from the risk assessment process should be recorded and shared with others as required. The risk assessment process should follow the five simple steps detailed below:

Subject of the Assessment (Driving at Work)

1. What are the hazards?
2. Who might be harmed and how?
3. What are the current controls?
4. What further actions are required (Action Plan)
5. Review the assessment and update, if necessary, annually.

7.2 These details should be communicated to staff, and risk assessments reviewed and updated annually or sooner if circumstances change.

7.3 Driving at work is a process of constant dynamic risk assessment and is part of normal driving activity. There is, however, a requirement where staff drive at work to have in place a record of those significant findings derived from the risk assessment process as detailed above. The assessment findings should be recorded using the NHS Lothian General Risk Assessment form. (See Appendix 1 Model Risk Assessment)

8.0 Risk factors

There are number of factors that need to be considered when determining the driving at work risk and these are briefly described below.
8.1 Pre Employment: Health screening of staff prior to employment is undertaken by
the Occupational Health Service as part of the recruitment process and it is therefore
imperative that driving responsibilities are clearly identified within any role.
Prospective employees are required to complete a Pre-Employment Health
Assessment Form which should highlight driving in the course of their work. No
employee should start duties until confirmation of fitness is obtained from
Occupational Health. Certain categories of driver require clearly defined
health/eyesight checks. Information on these can be obtained from the NHS Lothian
Fleet Management Department.

8.2 Driver checks and qualifications

Drivers may only drive vehicles for which they hold appropriate licences.

8.3 Fit to drive

Staff must inform their line manager about any changes in the status of their licence
or their health that could affect their continued driving. Failure to disclose any
changes to their licence status or any underlying health condition that could or would
prevent or significantly affect a member of staff driving at work may result in
disciplinary action.

The following people are specifically excluded from driving NHS Lothian vehicles:

- Anyone who does not hold a full, valid UK driving licence for the category of
  vehicle being driven (or who does not have a relevant foreign or international
  licence that allows them to drive in the UK)
- Anyone who suffers from a condition that would disqualify them from holding or
  getting a relevant current driving licence
- Anyone who has a current conviction for a motoring offence in the following
  categories:
  - dangerous driving, causing death by dangerous driving, or manslaughter
  - driving under the influence of drink or drugs
  - failing to stop after an accident
  - any other offence (or combination of offences) which has or might result
    in disqualification.

If NHS Lothian as an employer becomes aware of any pending prosecution, it can
exercise the right to suspend staff from driving duties whilst awaiting the trial
outcome.

8.4 Driving standards

Under the Road Traffic Act, drivers are legally responsible for their own actions on the
road and for keeping to all traffic regulations. NHS Lothian considers all our staff to be
ambassadors for the organisation. Their behaviour while driving at work is a reflection
on the corporate image. As such, NHS Lothian expects drivers to be polite and to
follow the Highway Code and other driving laws and regulations. NHS Lothian will
make sure that our drivers of vehicles involved in careless or repeated accidents and or incidents take part in an assessment and retraining programme. We may also use the 'Management of Employee Conduct' policy following serious violations or persistent unsafe driving behaviour.

8.5 Caring for vehicles

Under the Road Traffic Act, it is the driver's responsibility for making sure any vehicle they drive on public roads is roadworthy. If there is any doubt about a vehicle's roadworthiness, it should not be driven on public roads or our sites until the problem has been sorted out.

8.6 Wearing seatbelts

All drivers and anyone in a vehicle must, by law, wear a seatbelt. It is the responsibility of the driver, but also the duty of any staff member, to make sure that anyone in an organisational vehicle is wearing a seatbelt.

8.7 Alcohol, drug abuse, smoking

Driving on NHS Lothian business while under the influence of alcohol or illicit drugs is not allowed. We will use the 'Management of Employee Conduct' policy and may take formal action against any staff member this applies to. Staff should also tell their manager if, at any time, they have to take prescribed drugs or some over-the-counter drugs that may affect their ability to drive.

Smoking is prohibited in all NHS Lothian vehicles and all privately-owned vehicles when on NHS business.

8.8 Using mobile phones

It is illegal to use a hand-held mobile phone while driving. It is also an offence to “cause or permit” a driver to use a hand-held mobile phone while driving.

Under this policy, NHS Lothian requires that staff driving at work must never make outgoing or answer incoming calls, send or read texts or emails or otherwise use a mobile phone while driving.

Mobile phones should not be used whilst driving and should you receive a call then you must:

1. Not answer.
2. Park safely.
3. Switch off engine and take key out of ignition and
4. Only then answer the call.

Hand-held phones can only be used when the vehicle is parked safely and the engine is switched off.
Persistent failure to do so will be regarded as a serious matter and the individual concerned will be liable to disciplinary action under the terms of the NHS Lothian Disciplinary Policy and Procedure.
The HSE also considers the use of Mobile Phones in their Workplace Transport Inspection Checklist and are advised to issue Improvement Notices if unsafe acts and lack of management control are noted in this respect.

### 8.8 Driving at work hours and rest

Any specific legislation referring to drivers' hours (for example, tachograph regulations) applies. Tiredness, fatigue and stress (be it from work, domestic or social circumstances) can affect safe driving. Drivers should take account of this and not drive if they believe that they are unfit to do so. No staff member should drive for more than 2.5 hours without taking a break for at least 15 minutes.

### 8.9 Adverse weather and driving at work

In the event of an NHS Lothian or a media source notification/alert of adverse weather, a decision should be made by the respective management teams as soon as practicable as to whether driving at work takes place or not. Any decision must be based on using risk assessment principles and processes and the findings communicated effectively to all staff. These decisions must involve direct line management and the member(s) of staff, taking into consideration the necessity of any journey and the impact on service delivery and or clinical need. Local procedures should be developed that link directly to business continuity/ resilience, which must include arrangements for vehicle type, availability and suitability for the respective weather conditions. Any decision to drive when not at the work base (e.g. if on a home visit) must be made by the manager in conjunction with the member of staff.

### 8.11 Staff training

NHS Lothian will provide basic driver safety training to those staff identified at specific risk within the driving at work risk assessment process. The training will give staff the knowledge and skills needed to help prevent and manage work-related driving risks.

Different levels of training will be available and NHS Lothian will provide specialist training if necessary, based on the needs identified through local risk assessment. (For example, this could include training for staff involved in transporting patients or food, training in transporting dangerous loads, and training in loading and securing goods.) Line managers are responsible for making sure that staff receive appropriate training and have access to refresher training on a regular basis.

### 9.0 Guidance on the management and use of vehicles in NHS Lothian

There is place an extensive guidance document which can be accessed on the Health and Safety and the Transport and Travel section on the NHS Lothian intranet that provides more detail on the some of the risk factors discussed above. Below are examples of subjects covered in the document:

- Driving licence checks
- Insurance
- Transportation of Patients
- Driver training and standards
- Various checklists
10.0 Reporting and recording

Staff should report all incidents and accidents to their line manager at the earliest opportunity. These should be reported using the DATIX system. All reports should be investigated by the line manager.

Managers should report driving at work incidents or accidents in accordance with the specific requirements of the Reporting of Injuries, Diseases, Dangerous Occurrence Regulations (RIDDOR), e.g. loading or unloading operations and escapes of substances from the vehicle. Road Traffic Accidents (RTA) do not need to be reported if in doubt about what to report to the Health and Safety Executive (HSE) contact the Health and Safety Service for clarification.

11.0 Monitoring and reviewing

The NHS Lothian Health and Safety Committee(s) structure will monitor and review the effective implementation of this policy. The review processes will include:

- Reports of all driving at work reported accidents and or incidents.
- Ensuring that line management team’s review and where applicable investigate significant driving at work related incidents and accidents that caused harm to staff or others. Managers will also monitor the implementation of any action plans as a result.
- All staff related incidents and accidents are monitored by the local Health and Safety Committees; those related to driving at work which are not deemed to have been managed appropriately will be subject to further investigation as directed by these Committees.

12.0 Audit

This policy will be subject to an assurance check. The risk level, along with the frequency of the assurance check, will be determined by the NHS Lothian Health and Safety Committee and the NHS Lothian Risk Management Steering Group.

The policy will be reviewed and revised every three years, or as a result of any changes in risk and or in legislation which may occur before this.

13.0 Related documents

- NHS Lothian Health and Safety Policy
- The Highway Code

14.0 References

- RoSPA Guidance Note Driving for Work – Own Vehicles
- RoSPA Guidance Note Driving for Work – Mobile Phone Use
- HSE Driving at Work – Managing Work Related Road Safety

15.0 Appendix 1: Driving at Work Model Risk Assessment
# Appendix 1

## Record of General Risk Assessment

### Driving at Work

<table>
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<tr>
<th>Name of Assessor(s): Posts Held</th>
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<td>A Manager</td>
<td>20th Septembe r 2013</td>
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<tr>
<th>Department:</th>
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<tbody>
<tr>
<td>Health and Safety Service</td>
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### Subject of Assessment: Consider Task or Environment.

- Driving for Work: This assessment is considered appropriate for short business journeys (less than 200 miles or 4 hours driving) undertaken as part of the normal working day. A further formal assessment will be required if the planned journey has hazards outside of that considered by this assessment. The implementation of the risk controls and recommendations made as a result of this assessment are sufficient to reduce the risks associated with driving on NHSL business to as low as reasonably practicable.

### Step 1: What are the Hazards?

| 1. Condition of Vehicle          |
| 2. Adverse Weather               |
| 3. Traffic Conditions            |
| 4. Journey Time / Distance       |
| 5. Route Planning                |
| 6. Tiredness / Fatigue           |

### Step 2: Who might be harmed and how?

1. Driver - A fault developing with the vehicle leading to a breakdown or interruption to the journey
2. Adverse weather can result in poor driving conditions.
3. Delays may result in frustration for the driver
4. Continuous driving over long periods / distances can impact upon a drivers level of concentration leading to a greater risk of an accident
5. Drivers distracted by unfamiliar road systems / or become lost
6. Tiredness and fatigue can have a detrimental effect upon driving performance.

### Step 3: What are you already doing? (Existing Precautions)

1. ……………staff who choose to use their own private vehicle on NHSL business have a responsibility to ensure that the vehicle is in a roadworthy condition and suitably insured for business purposes. ……………staff carry out basic safety checks on the vehicle before commencing a journey.
2. ……………staff make themselves aware of any adverse weather conditions that may impact upon their journey and allow additional time as part of their plans. ……………staff should feel confident in making a decision not to travel if driving conditions are considered hazardous.
3. ……………staff should make use of local and regional traffic reports in order to avoid any unnecessary delays in their journey.
4. The controls established by this assessment are considered appropriate for short business journeys based upon an expectation of driving no more than 200 miles and or 4 hours in any working day. Journey times and or distances in excess of this will require further control measures including additional rest periods to mitigate the effects of fatigue / tiredness.
5. ………………………staff will pre-plan their route, taking into consideration the class of roads being used, likely traffic congestion and any major road-works / closures. Route planning is available via motoring organization websites. Up to date traffic reports are broadcast on national and local radio stations. Health and safety staff are advised to have available an up to date road map covering the area of their journey. Satellite navigation systems can also be used but these should be programmed before commencing driving to avoid any unnecessary distraction for the driver.
6. ……………staff should take adequate rest breaks during their journey ~ recommendation is to take at least 15 minutes s every 2 hours of continuous driving. This break should preferably be taken outside of the vehicle.
7. OHS Pre employment Statement of Medical History completed. During employment Annual Drivers Driving Licence Declaration document completed which includes the current health status, any concerns found then referral to the OHS would be agreed.

### Level of Risk

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### Step 4: Action Plan

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<th>Action completed (dd/mm/yy)</th>
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### Step 5: Review Table

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<td>A.N. Other</td>
<td>Driving Risk Profile changes: new members of staff in post</td>
<td>A.N. Other 24/07/15</td>
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