OPERATIONAL MANAGEMENT GROUP

Driving in the Course of Work

Background

1. The Scottish Parliament has a small number of staff within the Committee, Security, BIT and Visitor Services Offices who require to drive in the course of work in order to fulfill their job roles. In addition, there is a larger number of staff who, in the course of their work may occasionally need to drive.

2. Driving in the course of work is a work activity which has of late received increasing attention from employers and enforcing authorities.

3. Until recently, road traffic accidents involving at-work drivers were investigated by the police in terms of road traffic law. This type of approach focused on driver behaviour at the time of the accident and took little account of employers’ responsibilities in terms of the Health and Safety at Work Act and associated Regulations. Following the publication of a report by a specialist road safety task group, the Health and Safety Commission (HSC) accepted that the Health and Safety at Work etc. Act and subordinate legislation did apply in relation to driving at work.

4. Recent Health and Safety Executive (HSE) guidance and police procedures for investigation of road deaths mean that road accidents involving at-work drivers are now investigated with a greater focus on the employer. This could mean that the police and HSE conduct joint investigations and HSE report employers to the procurator Fiscal, where it appears they have contravened health and safety law.

5. The Corporate Manslaughter and Corporate Homicide Act 2007 which recently came into force established a new offence of Corporate Homicide. While there have not yet been any successful prosecutions under this legislation, it is considered likely by many in the legal profession, that a work related road death may result in the first successful prosecution.

6. Increasingly, public sector organisations are recognising the risks related to driving in the course of work and are introducing policies, procedures and frameworks for risk assessment to help them manage the risk.

7. The health and safety adviser has consulted with safety advisers working for the Scottish Government and South Lanarkshire Council in drafting this procedure, as well as the Director of Access and Information, specialist legal advisors within the Legal Directorate, the Health and Safety Committee and the Equalities Manager.
8. The draft procedure (attached at Annex A) for driving at work is therefore presented to OMG members for consideration and approval.

9. Contact: Jake Fenton ext. 86917

Timing

10. Routine.

Discussion

11. The key aims of the proposed procedure are:

- To ensure drivers are given the information and support they need to drive safely, comply with road traffic law, plan journeys sensibly and make appropriate decisions when driving in the course of work.
- To provide guidance for managers to ensure that the demands of work can be safely met and that personal factors relating to driving can be managed.
- To provide a framework for risk assessment of driving at work
- To provide a framework for management of vehicles owned and operated by SPCB.

12. The procedure distinguishes between essential and occasional drivers and provides approaches for risk assessment which are appropriate in each case.

13. Under the procedure, line managers would require to identify the essential and occasional drivers in their business areas.

14. The procedure and guidance would require to be brought to the attention of all staff and all drivers would require to follow the ‘guidance for drivers’ section which includes guidance on journey planning, avoiding fatigue, mobile phone use, accident action and vehicle safety.

15. Line managers would need to satisfy themselves that staff understand the need to inform them of health or other personal circumstances which may have a bearing on road safety.

16. Line managers would also need to take steps to ensure that drivers understand and follow the guidance and report any safety issues relating to driving at work.

17. A detailed questionnaire (Annex B) would require to be completed by all essential drivers. This would form the basis of a specific risk assessment for the driver, which would be carried out by the H&S section. Any additional control measures identified in the risk
assessment, (which could include training, instruction or changes to workload, work pattern, journeys or vehicle) would be proposed only after consultation with the driver and their line manager.

18. The driver and line manager would be responsible for the implementation of any additional control measures.

19. Where training is felt to be appropriate, the type liable to be used would be an e-learning type package, however in-car training is now widely available and may be appropriate in some circumstances.

20. It is recognised that drivers may be unwilling to undertake additional training, for a variety of reasons. However, the anecdotal evidence is that modern in-car training is innovative and enjoyable and can be a valuable and positive experience for trainees, quite unlike the traditional experience of driving instruction or testing.

21. Information on training packages has been gathered by the H&S adviser, and the subject has been discussed with colleagues in other organisations, however no decisions have been made yet as to the training provider, or the type of training activities.

Resource Implications

22. The implementation of the procedure will require additional time expenditure by essential drivers and their line managers, although it is anticipated that most of the activities will be absorbed in the routine contact between line managers and staff members.

23. Additional training, where required is not likely to be time consuming.

24. The cost of additional training has been accounted for in the H&S training budget.

Dependencies

25. Success is dependant on buy in and implementation by the relevant staff members, line managers and group heads.

Equalities Implications

26. There are a number of potential impacts associated with the implementation of the procedure which have been discussed with the Equalities Manager:

- The principle of minimising the use of private cars in favour of safer public transport must be balance against the needs of staff members
who have physical or health conditions which may necessitate use of a private car.

- The need to include an overnight stay to a journey for safety reasons may affect staff members who would find such an absence impossible for cultural or domestic reasons.
- Line managers should be alert for such issues and be prepared to consult with Personnel, the Equalities Manager and safety adviser where necessary.
- Staff members may find the questionnaire intrusive, or be suspicious about the purpose of certain questions or potential usage of information.
- Questionnaires shall therefore be reviewed consistently and in consultation with experts including the Equalities manager. Such information will be processed according to the principles of data protection. Staff members will be given reassurance that the purpose of the questionnaire is the assessment and reduction of road risk through introduction of control measures tailored to individual drivers.

Publication Scheme

27. It is recommended that the paper be published.

Next Steps

28. Group heads are invited to consider the proposals. Comments and suggestions will be gratefully received.

Action

29. Subject to agreement by group heads, the procedure will be published on SPEIR.

Jake Fenton
H&S adviser
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