Procedure for Driving at Work

Introduction

1. Driving in the course of work is increasingly regarded as an occupational safety issue. Although it is not explicitly mentioned in health and safety legislation, and has only relatively recently been focussed on by regulators and employers, the activity is nevertheless covered by the employer’s general duties under the Health and Safety at Work etc. Act 1974 and the duty to assess risks defined by the Management of Health and Safety at Work Regulations 1999. Driving in the course of work does not include commuting to and from a permanent place of work.

2. For many people, driving at work is by far the most hazardous work activity they will undertake. However, the commonplace everyday nature of driving and the feeling of safety created by modern cars means that many drivers do not recognise the hazard they are exposed to.

3. The table below indicates the annual average probability of suffering a fatal accident in the most hazardous industries, compared with driving:

<table>
<thead>
<tr>
<th>Industry</th>
<th>Probability</th>
</tr>
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<tbody>
<tr>
<td>Deep Sea Fishing</td>
<td>1 in 750</td>
</tr>
<tr>
<td>Quarrying</td>
<td>1 in 5,500</td>
</tr>
<tr>
<td>Construction</td>
<td>1 in 12,600</td>
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<tr>
<td>Agriculture</td>
<td>1 in 16,800</td>
</tr>
<tr>
<td>Car driving 25,000 miles per annum</td>
<td>1 in 8,000</td>
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</tbody>
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+ (sources: HSE ‘Reducing risks – protecting people’ and DfT, Road casualties GB 2001, after RoSPA)

4. The costs to organisations associated with road traffic accidents include:

- increased insurance premiums
- loss of productivity
- administrative costs
- uninsured excesses
- prosecution

The costs to staff members include:

- possible endorsement or loss of license
- loss of career prospects
- possible prosecution
- permanent injury or loss of life.
5. The best way of avoiding road traffic accidents is to minimise the use of car travel and to ensure that the law relating to the driving and condition of motor vehicles is observed. By way of example the law requires that drivers must not:

- drive without due care or attention or without due consideration for other road users
- drive while under the influence of drink or drugs
- use a hand-held mobile phone while driving
- exceed prescribed speed limits
- drive without a valid licence
- drive without wearing a seat belt
- drive without insurance
- drive a vehicle in a dangerous condition
- where applicable, drive a vehicle without a current MOT certificate

6. The contravention of any of these prohibitions would constitute a criminal offence. The SPCB would never expect any member of staff driving in the course of their work to commit such an offence and would take a serious view of any offence committed in the course of work. It is primarily the responsibility of individual drivers to ensure that they drive safely and within the law. This document aims to provide drivers with practical guidance as to how best to ensure that vehicle journeys in the course of work are undertaken both safely and within the law. The document also sets out rules and guidance for line managers and for those responsible for vehicles owned by the SPCB.

GUIDANCE FOR DRIVERS

7. The following guidance should be followed by all staff who drive in the course of work.

Journey planning

8. Public transport must be the first choice for any journey. Where it is considered impractical to use public transport because of the remoteness of the destination, because significant loads require to be carried, or because of other exceptional circumstances, (such as a
disability) then use of a private car may be considered. This should normally be a hire car.

9. All journeys by private vehicle must be planned with safety in mind, allowing sufficient time to permit compliance with speed limits, for adequate rest breaks, the safest possible routes and accounting for weather and traffic conditions. Any police advice regarding the avoidance of non-essential journeys should be complied with.

10. Members of staff should advise their line manager if the demands of work, caring responsibilities or other circumstances do not permit journeys to be planned on this basis so that adjustments to schedules can be made. Speed limits are maxima and road and weather conditions may dictate a lower speed.

Fatigue

11. Members of staff should not drive while dangerously tired. In particular they must ensure they are not over – tired at the start of journeys and that they do not plan to drive for an excessive length of time during the day.

12. Drivers must ensure they get an adequate amount of good quality sleep before starting to drive. The effects of fatigue do not always manifest themselves in sleepiness, and drivers may become dangerously impaired without necessarily feeling tired. Rest breaks are not a substitute for sleep.

13. Members of staff who have not had adequate sleep, (for example someone who has sleeping difficulties or has young children or other caring responsibilities) can become dangerously tired and a danger to themselves and others on the road. In these circumstances, they must inform their line manager, so that temporary arrangements can be made. Managers should be prepared to make a flexible response in such cases.

14. Journeys should be planned to allow a minimum 15 minute break every 2 hours. Some staff may find it beneficial to take more frequent breaks. The total time spent driving in any day (including private driving) should not exceed 6 hours, and the combined time spent driving and time engaged in other work-related activities in any day must not exceed 10 hours. While it is recognised that employees will wish to return home after a day's work, it is strongly recommended that overnight stays are built into journeys which would exceed these thresholds. Staff who feel unable to do so should discuss the issue with their line manager.
15. The Scottish Parliament will not require members of staff to exceed the foregoing limits although it is recognised that journeys can on occasion take longer than anticipated.

16. If a driver feels sleepy, s/he should stop in a safe place as soon as practicable. The best short term measure is to drink one or two cups of strong coffee followed by a 10 – 15 minute nap. A longer nap is likely to be counterproductive. This method must not be used more than once in a single journey.

**Driving competence**

17. The SPCB may require a member of staff who drives or who intends to drive in the course of their work to produce evidence that they hold a driving licence. However, the SPCB also recognises that the possession of a driving licence demonstrates only a minimum level of driving competence. It is therefore the responsibility of individual drivers to be aware of, and to take account of their own limitations as drivers, whether by reason of inexperience or otherwise and not to undertake journeys that they consider to be beyond their competence. In that event they should inform their line manager so that alternative arrangements can be made. Where driving competence issues are revealed by the risk assessment process or otherwise, the member of staff concerned may be expected to undertake additional training activities.

**Fitness**

18. Members of staff must notify their line manager of any impairment or health condition which could affect driving or be exacerbated by driving, although they are under no obligation to discuss the details of any medical condition. Examples of health conditions which could affect fitness to drive include epilepsy and visual impairments. Staff should seek guidance from their own GP if they have any doubts over their fitness to drive and should have an eye test on a regular (e.g. annual) basis.

**Medication**

19. Members of staff are responsible for ensuring that any medication they are taking, or have been prescribed will not adversely affect their ability to drive safely. If unsure, they must take the advice of a pharmacist in the case of over the counter medication, and their GP in the case of prescribed medication.

20. Members of staff must notify their line manager if they require such medication, so that the necessary role adjustments may be made. Members of staff are under no obligation to discuss details of any
medical condition with colleagues, but in some instances it may be beneficial to discuss these matters with the Parliament’s occupational health staff.

Mobile phones

21. All members of staff should carry private or work issued mobile phones or other communication devices as a matter of course when travelling in the course of work. They are essential to summon help in case of emergency, and to keep in contact with work and home. Staff who routinely work away from the office can raise a BIT work request for a mobile phone or other communication device, alternatively this can be raised on their behalf by their line manager.

22. As noted earlier, the use of hand-held mobile phones while driving is an offence. Even the use of hands-free mobile phones can cause a serious distraction to drivers, increasing their reaction time and reducing the care and attention with which they drive. The use of such devices should therefore be avoided. SPCB will not require drivers to operate a hands free mobile phone in the course of their work.

Other sources of distraction

23. In car entertainment and satellite navigation equipment in cars can increase driver ‘work load’ and thereby create a dangerous distraction if not used appropriately. Members of staff who drive must be aware of this potential and should ensure that they use such equipment responsibly, and in accordance with the manufacturer’s safety instructions.

Accident and emergency action

Breakdowns

24. In the event of a breakdown, if it is possible and safe to do so, the driver should move the vehicle off the carriageway, (onto the hard shoulder if on a motorway). The hazard warning lights must be turned on and the vehicle warning triangle placed fifty metres behind the vehicle, (if safe to do so).

25. If stranded on a motorway hard shoulder, the driver and any passengers should get out of the vehicle and away from it and other traffic. It is preferable to go up the grass margin and behind any safety rails if possible. In some cases it may be safer to stay in the vehicle, for example in severe weather or where the driver or passenger is a wheelchair user. Drivers should not attempt repairs, (such as wheel changing) on the hard shoulder, but call the recovery service. A recovery service is provided as part of the hire car arrangements. Staff members using their own vehicles should ensure that they have
adequate breakdown cover. The driver should use a mobile phone to call for assistance in the first instance. If necessary, the nearest fixed motorway SOS phone should be used. Using a motorway SOS phone will allow the police to pinpoint the vehicle location. The nearest phone is indicated by arrows and small numbers on small marker posts at the edge of the hard shoulder. The number on the post nearest to the vehicle should be given to the telephone operator.

Accidents

- In the event of an accident, the driver must:
- make the accident scene as safe as possible
- use hazard warning lights if appropriate
- not move any injured persons unless they are in immediate danger
- call the emergency services if appropriate

26. The driver must stay at the scene of the accident until the emergency services and anyone else with reasonable cause have all the details they need.

27. If the accident is ‘damage only’ and no one is injured, the driver must ensure that the vehicle is roadworthy before continuing the journey. If there is any doubt about roadworthiness then the breakdown recovery company must be called.

28. It will be necessary for the parties involved in any accident to exchange the following details –

- name
- address, (business address if a company vehicle or hire vehicle)
- vehicle registration number, make, model and colour
- insurance details of privately owned vehicle
- hire company details if applicable

29. Drivers should ensure they gather as much information about what happened, including:

- date, time and exact location
- weather conditions
- a sketch of the scene or photo if possible
- position and direction of travel of all the parties
- a brief, clear explanation of what happened
- details of damage / injury

30. The information should be recorded as soon as it is safe to do so to avoid information being lost or forgotten.
31. Drivers must report all accidents and near misses which occur in the course of driving using the accident and near miss reporting system (link). Accidents and near misses must also be brought to the attention of line management.

Vehicle safety

32. Any vehicles used by SPCB staff or their contractors must be fit for purpose and appropriate for the task, maintained in a safe condition, have a current MOT certificate with any advisory notes addressed (where applicable), and be insured for use in the course of work.

33. Staff should not routinely use their own vehicles in the course of work, except by prior agreement with their line manager. Drivers using their own vehicles for work are responsible for ensuring that they are serviced and maintained and have breakdown cover. Essential drivers must submit vehicle service records, MOT certificates and insurance policy schedules for inspection and copying annually. It is essential that drivers using their own vehicles carry out regular safety checks on their vehicles.

34. A vehicle safety checklist is provided to help drivers carry out regular safety checks. (CF++++) link.

35. Drivers using their own vehicles are also strongly recommended to select vehicles which incorporate adequate safety features and are among the safest in their class.
GUIDANCE FOR LINE MANAGERS

36. Line managers need to establish which staff members require to drive in the course of work. The extent of further action required depends on whether those staff members are occasional drivers or essential drivers.

37. Occasional driving is defined as up to six work related journeys by private car per annum. This would include staff members whose travel is mainly related to attending training or professional development events, and who are office based.

38. Essential drivers will generally require to drive in order to fulfil their job roles and will make more than six journeys per annum. Essential drivers may include committee clerks involved in remote committee work, security officers who carry out reconnaissance visits of remote committee venues and education outreach workers.

Occasional drivers

39. Occasional drivers should not normally use their own cars for work related travel, although there are circumstances where this may be appropriate, (for example if they require to catch an early flight and drive from their home to the airport). Otherwise, they should make use of the car hire service. This service requires that they submit personal details, including their driving license number at the time of booking. If using their own cars, they should, in addition to complying with all legal requirements, comply with the foregoing ‘Guidance for Drivers’ in relation to servicing, safety checks and insurance. There is no requirement for the line manager to carry out any document checks, however the line manager must be satisfied that the staff member is aware of their responsibilities in terms of this procedure.

Essential drivers

40. As above, essential drivers should, where possible, make use of the car hire service where private transport is required. In addition, line managers should take a copy of the driving licence (including the paper counterpart) annually.

41. Where exceptional circumstances mean that an essential driver has to use their own car for the majority of journeys, the line manager must take a copy of insurance documents, (which must indicate the appropriate level of cover for business use), and the MOT certificate (if the vehicle is older than 3 years). Copies should be taken annually to coincide with the expiry / renewal of these documents. Line managers must ensure that drivers complete a copy of the drivers’ questionnaire (link) on an annual basis, or where applicable, use any
other driver profiling method recommended by the H&S section. The completed questionnaire or profile will be reviewed by the H&S section and the results will form the basis of a risk assessment for the driver and their work activities. The risk assessment is completed by the H&S section in consultation with the line manager and driver. Control measures arising from the risk assessment could include training, changes to workload, journey planning or work / life balance.

Convictions

42. If a staff member reports a conviction for an offence, or the acceptance of a fixed penalty notice, involving endorsement of the licence (whether or not the offence was committed at work) it will be necessary for the line manager to review their ability to carry out their job role, and consider whether any remedial actions are required. This must be done in consultation with Personnel and with reference to the staff member's contract of employment. Where a staff member reports that they have been disqualified from driving, they must be relieved of driving duties immediately. The line manager must immediately update the relevant Personnel manager, who will decide whether disciplinary action is appropriate under the circumstances.

Demands of work schedule

43. Where a member of staff reports that the demands of their work schedule are not safely achievable, the line manager should investigate thoroughly to establish whether this is the case. Adjustments to the work schedule should then be made to restore a safe and achievable schedule. It may be necessary to consider additional staffing resources to meet the demands of work in a safe way.

44. Line managers shall not require staff members to operate a hands-free mobile phone in connection with their work.

Caring responsibilities

45. Where a member of staff reports that caring responsibilities are becoming incompatible with their work schedule, due to lack of sleep or because journey times are conflicting with private caring arrangements, the line manager should discuss the matter with the staff member in reasonable detail to establish the extent of the problem. The line manager should try to make adjustments using the existing flexible working arrangements within the constraints of business needs. If private circumstances are regularly impacting on safety then it may be necessary to relieve the member of staff of their driving duties temporarily and reallocate them to another staff member.
46. If the circumstances are likely to be protracted then it will be necessary to review the case with Personnel. The outcome of such a review could include more permanent reallocation of driving duties or redeployment.

Health, fitness and competence issues

47. A member of staff may report that they are unfit to drive, that they have been prescribed medication which prevents them from driving, that they are suffering from a condition that would be exacerbated by driving, or that they consider a particular journey to be beyond their competence as a driver. In such situations, the member of staff must immediately be relieved of their driving duties (or relieved of the requirement to make the particular journey). In the case of health and fitness issues the member of staff should normally be referred to the occupational health provider for an assessment, although they cannot be compelled to undergo any examination. In the case of competence issues the member of staff should generally be offered additional driving instruction. If the health or fitness issue is likely to be protracted, or if the issue of competence is unlikely to be resolved it will be necessary to review the case with Personnel.

GUIDANCE FOR STAFF RESPONSIBLE FOR SPCB VEHICLES

48. Staff responsible for vehicles owned by the SPCB must ensure that they are maintained according to the manufacturer’s recommendations, have a valid MOT certificate (where applicable) and have appropriate insurance for the type of usage, age of driver etc.

49. Vehicles owned by the SPCB must be subject to a weekly inspection, carried out by a suitably experienced member of staff or contractor and recorded on the relevant form (CF*****). link

50. Those responsible for vehicles owned by the SPCB must ensure that keys are stored securely and only supplied to members of staff or contractors who have submitted a copy of their driving license. All drivers of SPCB vehicles must be formally authorised and submit their licence for inspection and copying annually.

51. The authorisation record form (CF+++ link must be completed to record authorisation.

52. Providing vehicle keys to a member of staff without authorisation shall be regarded as a disciplinary matter and will be dealt with in accordance with the disciplinary procedure.