

HR & OD POLICIES

human resources and organisational development



Driving at Work Policy



1. POLICY STATEMENT

Aberdeenshire Council has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees and others affected by its driving at work activities.

Aberdeenshire Council recognises the requirements of the relevant legislation listed below and will put suitable and sufficient Health, Safety and Wellbeing procedures in place to ensure that the duties placed on it by these requirements are met.

2. SCOPE OF THE POLICY

This policy is applicable to all Councillors, Employees, Volunteers, and Contractors, including Agency Workers or Service Users:

- Who are required to drive in connection with their work, or
- Who has responsibilities for managing others who have to drive at work

Statutory duties are contained within the following legislation:

- Road Vehicle (Construction and Use) Regulations 1986 as amended
- The Road Transport Act (Scotland) 2001
- Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Road Transport (Working Time) Regulations 2005
- EU Drivers Hours Regulations EC561/2006.
- GB domestic rules (GOV.UK)
- Goods Vehicles (Licensing of Operators) Act 1995
- Smoking, Health and Social Care (Scotland) Act 2005

These statutory responsibilities are in addition to those requirements under the Road Traffic Act and The Highway Code.

Driving to and from your place of work

This policy does not include commuting to and from work in private vehicles, but does include the use of a private vehicle for council business.

(See Procedure on the [Use of a Privately Owned Vehicles at Work](#)).

3. POLICY OBJECTIVES

Aberdeenshire Council will ensure it has the necessary management structure, procedures and controls in place to allow it, the staff it employs and any others it may ask to drive on its behalf, to effectively manage any health, safety and wellbeing issues that may arise in relation to driving at work.

The following procedures should be used to manage all driving at work activities:

1. [Management of Council Owned Vehicles and Work Related Road Safety](#)
2. [The Use of a Private Owned Vehicle at Work](#)
3. [The Use of Mobile Phones and 2-Way Radios](#)
4. [Health Surveillance LGV/PVC/Mobile Library Drivers](#)

Additional Guidance

- [Driving Licence Categories and CPC Training](#)
- [DVLA reportable conditions](#)

These procedures will ensure, so far as is reasonably practicable, that:

- Council services have a safety management system in place including measures that allows them to manage the risks associated with Driving at Work to an acceptable level.
- All drivers who drive at work are competent and fit to do so which will be regularly monitored based on current statutory guidance and directions from the senior traffic commissioner.
- These requirements are communicated effectively to those affected throughout the council's services.

Preferred Candidate checks

This is a three stage process which will be led by HR and information fed back to recruiting managers as required. Any post will be offered subject to the meeting of these requirements.

- When recruiting any LGV/PCV/Mobile Library drivers, specific medical questions relating to their duties will be included on the reference request. Reasonable measures must be taken to gain information about employees and any potential risks their conditions may present. The references questions are only for LGV/PCV/Mobile Library drivers.
- Medical questionnaires sent to all employees in LGV/PCV/Mobile Library driver posts.

The questions asked only cover fitness to drive and are specific to the role. The preferred candidate who is being recruited to a LGV/PCV/Mobile Library driving post will be required to complete a fitness questionnaire through Occupational Health prior to starting work. This will be part of the employment checks and will be done as part of the recruitment process.

- Full licence checks will be completed including licence category and any penalty points.

These measures will assist the council to evidence that we have taken reasonable steps to assess the risks and have acted on any identified issues.

Concerns raised through these steps will be discussed with the candidate prior to their commencement of driving duties, and may lead to withdrawal of an employment offer. Prior to any withdrawal of any job offer HR advice must be sought to ensure a consistent approach

4. MANAGEMENT RESPONSIBILITIES

Managers have responsibility to operate within the boundaries of this policy, to ensure that all employees understand what is expected of them and to take action wherever behaviour falls below its requirements.

All staff will cooperate fully with the policy, and any breach will be viewed as a disciplinary matter and dealt with under the Disciplinary Policy and Procedures. Employees who consider that they have been unfairly treated may refer to Aberdeenshire Council's Grievance Procedure Policy.

This duty will include:

- Managers ensuring that risk assessments have been completed for all driving activities that present a significant risk.
- A periodic review, (the HSE recommend that risk assessments are reviewed yearly) of these risk assessments so that they remain suitable and sufficient to control the risks from the driving activities.
- That assessments also be reviewed in line with any significant change to the driving process, equipment or where an incident has occurred.
- Communicating risk assessments to their employees and others affected, and consulting with Health and Safety Representatives, when undertaking and reviewing driving risk assessments where significant changes to the equipment or process are made.
- Ensuring, so far as is reasonably practicable, that all necessary vehicle checks are carried out, and that all vehicles are fit to be driven or used for their intended purpose.
- Ensuring, so far as is reasonably practicable, that all employees who drive vehicles for work are competent to do so and that there are no known medical conditions that would prevent them from doing so safely.
- Ensuring that, during the course of their employment, no employee drives any vehicle that they do not have permission to drive.
- Ensure that all staff for whom they have responsibility, are aware of the restrictions on the use of mobile phones in vehicles and that no actions taken by managers will encourage the use of hand- held mobile devices.
- Ensuring that the training and competency of drivers is evaluated and records completed
- Ensuring that Working Time Regulations are complied with as part of the risk assessment process

Ongoing Fitness Assessment

Drivers who are employed in LGV/PCV and Mobile Library driver posts will be required to attend Occupational Health for DVLA regulated medicals as required by legislation or where there are specific concerns regarding the driver's fitness for duties. Please refer to the ['Health Surveillance LGV/PCV/Mobile Library Drivers'](#) guidance.

Any health concerns may lead to a suspension of driving duties.

Licence checking

There is a requirement that managers check employee's licences who are driving for work to ensure they hold the appropriate licence for the duties they are performing. This includes those who drive full time and those who drive occasionally as part of their role.

The frequency of these checks depends on the type of the licence held:

LGV/ PCV drivers	3 times per year
Van/ Regular drivers	2 times per year
Own or leased vehicle drivers	annually

Each Service must have adequate systems in place, these may include checks performed by an external agency, to allow them to manage these checks effectively. The annual checks may be undertaken as part of the Employee Annual Review meeting. To perform the check the manager will require the employee's basic details including date of birth and national insurance number and licence number and can then access the required information through the [DVLA website](#).

For the checking of Non-UK licences click [here](#)

Any refusal to supply these details will be viewed seriously and may result in disciplinary action being taken under Aberdeenshire Council's Disciplinary Policy and Procedure."

Points and Fines

While licence checking will confirm that the driver still has a valid licence it will also highlight any penalty points held. Any penalty points or fines gained whilst driving a council vehicle or refusal to pay fines may be addressed under the Disciplinary Policy. Any fines incurred whilst driving during work will be payable by the driver and will not be reimbursed by the council. If a driver has 9 or more points, then this will be discussed with the employee directly due to the safety concerns. Anyone with 12 points or more is unlikely to be able to continue in a driving post. (HR should be contacted for advice if this situation should arise).

5. EMPLOYEE RESPONSIBILITIES

It is the responsibility of all employees undertaking driving within their role to comply with this policy when using vehicles in connection with their duties at work.

- Those who drive as part of their work activities will declare any conditions that they know will affect their ability to drive safely, at the soonest opportunity, to their line manager and the DVLA.
- Drivers must produce evidence of their current licence and relevant insurance details for the vehicle/s that they drive as required.
- Drivers must notify their line manager immediately of any driving ban, suspension or revocation of their licence.
- Comply with the any service risk assessments and safe working procedures for the driving activity
- Comply with the councils 'Use of mobile phones and 2 way radios' policy
- Ensure that regular maintenance checks of their vehicle are undertaken and where required, completion of maintenance log books.
- Where relevant, completion of the council mileage claim sheets and declaration of vehicle road worthiness
- Undergoing the relevant medicals as per legislation and council policy/procedure
- Compliance where required with the EU Drivers Hours Regulations EC561/2006.

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Policy

Revision Date	Previous Revision Date	Summary of Changes
22-04-2010	-	Creation of all documents
03-08-2017	22-04-2010	Update to policy
11/01/2018	03/08/2017	Review
01/10/2020	11/01/2018	Review and update