

# Occupational Road Risk (Grey Fleet) Policy

July  
2023



# Document history

<b>Name of policy</b>	Occupational Road Risk (Grey Fleet) Policy 2023
<b>Purpose of policy</b>	To ensure that NFDC meets its legal responsibilities and takes appropriate measures to protect staff and reduce the chance of claims related to driving at work (for the Grey Fleet).
<b>Policy applies to</b>	All Grey fleet users of the Council, which includes essential users and casual users who are authorised to drive on Council business.
<b>Frequency of review</b>	3 years
<b>Latest update</b>	July 2023
<b>Update overview</b>	Routine review of Policy and following the updating of the NFDC Drivers Handbook which covers Council owned, hire or leased vehicles (Commercial Vehicles). Policy scope changed to just include Grey Fleet vehicles, updated into new corporate format

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# 1. Policy

## 1.1 Introduction

For the majority of the staff in the Council the health and safety risks they face at work will be low, however, if they do drive as part of their role then having an incident or collision with another vehicle will probably be their most significant risk of serious injury. Every year on the roads of Great Britain there are over 100,00 road traffic collisions reported, many of the drivers involved will be on the road because of the jobs they do.

Safe driving on Council business is a vital element of each employee's ability to perform their job effectively. New Forest District Council will look for each employee to uphold the highest standards of driving, regardless of the vehicle they are using to make work related journeys.

As part of a car allowance offered either as part of the contract of employment, or outside of it, employees must have a valid driving license. As part of the employee's contract of employment it states that for employees who use their car on Council business, including to attend training courses, they must have current (and relevant) insurance cover. The insurance certificate must include the 'business usage' clause indemnifying the Council against third party claims (including those concerning passengers) that arise whilst using the vehicle on Council Business. Employees must also have a current MOT certificate, where one is required, and the vehicles must be always road worthy. An employee using their car on Council business without a valid insurance and MOT certificate will be in breach of Council regulations and may be subject to disciplinary procedures. The correct procedure must be used for claiming all car and mileage allowances. There is an expectation that all claims must be made within three months of the journey undertaken or expenses incurred.

As with other council policies the principles of having a safety management system in place and using the Health and Safety Executives (HSE) Plan, Do, Check, Act principles will be followed to ensure good practice is in place and monitored. Consultation with the workforce for health and safety policies is undertaken through the quarterly safety panels, including the employee side liaison panel.

## 1.2 Aims and Objectives

The simple rule is that we want all employees to return home fit and healthy. Unfortunately, on occasions an incident will happen to an employee, and we need ensure that lessons are learnt, and additional control measures are put in place (where necessary) to stop a reoccurrence.

At its most simple the objective of an Occupational Road Risk Policy can be to:

- To make drivers aware of the risk they face whilst driving.
- To make sure that employees drive safely and efficiently, with good road habits.
- Ensure employees maintain their vehicles in a safe and roadworthy condition.
- To ensure that employees know the duty they have as a driver, and ensure they report relevant matters to their manager, e.g., a new driving offence which leads to 3 points, or more, on their license.
- To reduce the likelihood of a road traffic collision.

### 1.3 Scope of Policy

This policy applies to:

- All employees of New Forest District Council who drive on Council business using a vehicle they have supplied.

Note: For commercial vehicles which are owned, hired or leased by the Council the rules and guidance on driving is held within the Drivers Handbook (2022 edition). The commercial fleet of vehicles, which includes articulated vehicles and others covered under the Council's operator's license may have additional conditions.

A grey fleet driver is someone who uses their own vehicle for business purposes, and who therefore must have business or occasional business use insurance (for that vehicle used). Business or occasional business use generally has an additional insurance cost of £10 - £30 p.a. depending on the insurance firm the driver uses.

The use of your vehicle will be detailed in the employees Contract of Employment with the Council and requires you to have a driving license, a current MOT and appropriate insurance cover when using the vehicle on Council business. The correct procedures must be used for claiming any car mileage allowance.

Authority to drive on Council duty is provided once a member of staff has had their documentation checked and have completed the e-learning module Driving on Council Business – accessed via ForestNet.

Additional guidance to support this Policy will be held on the health and safety pages of SharePoint pages.

## 2. Definitions

Term	Definition
Grey Fleet	Employee who uses their private vehicle to drive for business purposes, e.g. essential users who drives their own car as part of their work role.
Accident	An unplanned event that results in vehicle damage, injury or ill-health.
Risk Assessment	Organisations have a legal duty to assess the health and safety risks to employees and non-employees, which arise from its undertakings. A risk assessment is a systematic process for looking at the hazard, likelihood of it being realised, who could be affected and the overall risk with control measures in place. It should be reviewed regularly.
Safe System of Work (SSoW)	This is a formal procedure based on a systematic examination of the identified work processes, in order to identify the hazard(s) and putting control measures in place to reduce the risk. Often used in maintenance and repair settings. Some residual risk may remain which is controlled through training and supervision.
Near Miss	Where an incident has occurred at work where no-one is injured, but under different circumstances there would have been an injury, e.g. <i>a reversing vehicle in the car park almost hitting another vehicle, but for an evasive action being taken.</i>
Corporate Manslaughter and Corporate Homicide Act 2007	Under the Corporate Manslaughter and Corporate Homicide Act 2007 an organisation is guilty of an offence where the way in which the organisation's activities are managed or organised caused a person's death and amounted to a gross breach of the organisation's duty of care to that person. The way in which the activities are managed or organised by <i>senior management</i> must be proved to be a substantial element in the breach. In determining a gross breach of duty, a jury must consider whether the evidence shows that the organisation had failed to comply with any health and safety legislation that relates to the alleged breach, and if so: How serious was the failure to comply? How much of a risk of death did it pose?
DVLA driver information: Viewing your driving license information online.	<a href="http://viewdrivingrecord.service.gov.uk">View your driving licence information (viewdrivingrecord.service.gov.uk)</a> Available to do at the DVLA website, allowing staff to show a relevant manager the vehicles they're legally allowed to drive, and any penalty points on the license.
RIDDOR	<b>Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013.</b> Legislation which places a duty on employers to report certain occupational accidents, injuries, dangerous occurrences and diseases, e.g., <i>over 7-day injury</i> . Reporting is to be undertaken by the "Responsible Person". Reportable incidents include injuries to non-employees which results in them being taken directly to hospital for treatment.
Road Traffic Collision	A collision by a vehicle or vehicles on the road or other public area which causes injury or damage to anybody – other than the driver of the vehicle. Can include a collision with another vehicle, pedestrian, animal, signage, stationary obstructions (such as a tree) or a building.

## 3. Roles and Responsibilities

### 3.1 General Roles and Responsibilities

These are detailed in the New Forest District Council Health and Safety Policy, which is available on ForestNet. In summary it states that management have duties under the Health and Safety at Work, etc Act 1974, and other regulations, to ensure that controls are in place to protect the health and safety of employees and non-employees. The health and safety objectives of the organisation must be monitored along with ensuring that there is suitable instruction and training provided to staff.

### 3.2 The Council Responsibilities

NFDC will ensure all employees under their control have sufficient training, experience, knowledge, and skills to undertake their role competently and safely. This will usually involve the need for formal health and safety induction, regular training reviews as part of the corporate appraisal process, and training to be reviewed through the risk assessment process.

### 3.3 Senior Management Responsibilities

The Senior Managers will lead by example on all health and safety matters and encourage a positive safety culture ensuring good communication channels throughout the workforce.

### 3.4 The Corporate Health and Safety Team Responsibilities

Shall monitor the health and safety performance within the organisation by establishing reporting arrangements for incidents and accidents, and undertaking investigations, audits, and reviews. The driving at work e-learning module, and other arrangements, will be regularly reviewed.

### 3.5 The Employees Responsibilities

Employees driving on Council business must ensure your vehicle has valid insurance - it is easy to invalidate your vehicle insurance or not be sufficiently or appropriately insured.

As a grey fleet driver driving on Council business, you will need to ensure:

- Your own driving insurance to cover “Business use” or “Occasional Business Use”.
- Appropriate and valid driving licences, e.g., for the class of vehicle you’re driving (you can check this on your driving licence card);
- To be fit to drive and to report certain medical conditions to the DVLA.
- To be competent to drive the particular vehicle and to comply with the relevant road traffic rules.
- Know what to do in an emergency or incident.

#### 3.5.1 Pre-Journey Checks

Employees before every journey should: be prepared and ensure the vehicle is road worthy; know the route they are taking in advance, if unsure review it on a map.

### 3.5.2 Weekly Checks

It should be routine practice for drivers to check:

- vehicle lights (all working and clear)
- windscreens and mirrors (all clear and crack free)
- tyre pressures, conditions, and tread depths
- oil level
- water level in the cooling system (if it needs topping up this may be best undertaken by a local garage to ensure the correct mix)
- screen wash level.

Further guidance on chicle maintenance is available in Appendix 1 – Grey Fleet Drivers Handbook

### 3.5.3 Fitness to Drive

Grey fleet drivers must comply with the minimum fitness to drive standards in the DVLA guide 'National medical guidelines of fitness to drive'. Guidelines can be found at the following website <http://www.dft.gov.uk/dvla> The guide covers a whole range of medical standards of fitness to drive from diabetes to eyesight, as a driver you have a duty to be aware of the minimum fitness standards.

Drivers should be aware that the General Medical Council (GMC) and the General Optical Council (GOC) have clear guidance about notifying DVLA when the person cannot or will not exercise their own legal duty to do so.



## 4. Arrangements and Monitoring

### 4.1 General arrangements and Monitoring

Driving at work is considered a risk under the Health and Safety at Work, etc Act 1974, however, most staff who are grey fleet users will undertake low levels of occupational mileage and be considered low risk because of that.

When the risk of occupational driving is taken into account the following three key elements need to be considered:

- The driver: age; driving experience; motor incident record; driving convictions; training received.
- The vehicle: suitability; provision on ancillary equipment and fittings and safety features (ABS, airbags, NCAP rating); well maintained.
- The journey: miles driven per annum, distance of the journeys, prevailing weather conditions, time of travel – darkness or out of hours.

### 4.2 Recruitment and Induction

Driving licenses should be reviewed at interview or during staff induction, to ensure the license is clean &/ or to confirm the number of points the individual has on their license.

New employees coming to live and work in the UK, who hold a foreign driving license, will have a maximum of 12 months from the date of entry to the UK to exchange this license with a UK license. The employee must do this within the 12 months otherwise they will be driving illegally.

### 4.3 Use of Mobile Phones

NFDC Policy is that an employee who is driving on Council business must not use a mobile phone whilst driving. The exceptions to this policy will be where there is a compliant hands-free kit in the vehicle and where it has been identified by management that it is essential for an employee to be contactable whilst driving. The hands-free kit must only be used where it is safe to do so.

In March 2022 new laws came into effect on the use of mobile phones which introduced more stringent sanctions. Anyone caught using any handheld mobile device while driving will face a £200 fine and six points on their license.

If it is necessary to answer the phone the verbal exchange must be kept as brief as possible. If a longer discussion is necessary, the driver should state that they will ring back when it is safe to do so (once they have stopped driving).

## 4.4 Defensive Driving

Defensive driving means driving safely, preventing accidents, and to avoid contributing to others being involved in accidents. You should:

- Concentrate, observe, anticipate.
- Drive skilfully and take account of conditions, including for example, weather, road surfaces, and traffic.
- Observe speed limits. Speed should always be adjusted to the prevailing conditions.
- Check your vehicle is roadworthy for every journey.
- Park legally and sensible at all times. The driver is entirely responsible for the payment of any parking fines.
- Ensure the handbrake has been fully applied when stationary or parked. As a precautionary measure, leave the car in a gear when parked on a hill or incline with the wheels turned full lock.

## 4.5 Safe Driving

Driving safely ensures that you and passengers are protected and reduces the chances on any damage occurring to your vehicle.

Safe driving tips include: -

**Driver distraction** is one of the major causes of road traffic accidents. Listening to loud music can affect reaction times. Drivers can take up to 20% longer to perform a physical and mental task when listening to loud music. Also, if using a sat nav, remember that what you see take priority over what the sat nav says.

**Keep your distance** – the more space you keep around you, both front and rear, reduces the chance you will have a collision. In good conditions you should maintain a suitable distance between you and the vehicle in-front. If conditions deteriorate (inclement weather) or it is dark, the distance should be at least doubled.

**Read the road signs and anticipate** -as well as looking at the vehicle in front and in your mirrors, anticipate what is happening ahead of you by looking at the further point along the road (note the hazards coming up)

**Give yourself time** – driving faster will not ensure you arrive sooner. Don't treat speed limits as a target, you must consider the road conditions.

**Look for road markings and signs** – generally speaking, the more signs and road marking the greater the chance of hazards.

**Mobile Phones** - Unless absolutely necessary for your role, do not have your mobile switched on.

## 4.6 Driving Offences and Penalty Points

If you are driving and commit a road traffic offence, either when at work or in your leisure time, you may be liable to be issued a Fixed Penalty Notice (FPN) or you may be summoned to court for prosecution. In addition, you may attract penalty points to your driving license that can stay on your license for a period of four to 11 years depending on the offence. If you exceed a maximum of 12 points you may have your license removed resulting in you not being allowed to drive – this is likely to have a significant effect on your employment.

Knowingly driving on Council business as a disqualified driver will be regarded as gross misconduct and will render the employee liable to disciplinary action. Also, for an employee to knowingly drive on council business whilst above the legal limit for alcohol or under the influence of drugs will be regarded as gross miss-conduct.

If an employee is convicted of driving without due care and attention (careless driving) or a dangerous driving offence, it will be necessary to review that individual's authorisation to drive as part of their work duties. This will need to consider the level of risk posed by allowing the employee to continue to drive as part of their work duties, which therefore could lead to disciplinary action being taken.

If you are an essential user and issued with any FPN or a court summons and have points, put on your license you must inform the Council of this, speak to your line manager in the first instance.

## 4.7 Driving and Prescription Medication

The law states that it is illegal to drive if you are unfit to do so because you are taking legal or illegal drugs. In the event that your doctor prescribes any of the following medication, you should talk to the doctor and confirm your ability to drive:

- Amphetamine
- Clonazepam
- Diazepam
- Flunitrazepam
- Lorazepam
- Methadone
- Morphine or opioid based drug
- Oxazepam
- Temazepam.

You can drive after taking these drugs if: they are prescribed; you are taking them as advised by a medical professional; they do not exceed specific set limits; they do not affect your ability to drive safely. If you are prescribed any medication that has the potential to affect your ability to drive, please discuss this with your supervisor or manager.

## 4.8 Monitoring and Audit

National RoSPA guidance on occupational road risk states an organisation should “conduct regular driving licence checks, at least once a year, but more often for high mileage drivers or those with a poor driving record”. It’s important as a well-respected organisation to expect the highest standards from our staff when it comes to driving. To have an effective policy in place it’s important to monitor to ensure that proper procedures and practices are being followed, and to identify if changes need to be made. This will include the regular monthly checks of staff driving documents, checks undertaken will include:

- A check of at least 20 staff who are essential or casual users and claiming mileage.
- Some of those selected will be because of the high mileage that have completed.
- Some of those selected will be randomised, which may include those who have not made claims.

The monthly monitoring is undertaken by the Payroll Team linked to the monthly mileage claims received by staff.

## 4.9 Training and Competency

Obviously passing your driving test and having a valid driving license demonstrates that a driver has been able to previously show they have the skills to drive a vehicle competently. However, as an occupational road risk is a significant health and safety issue, measures need to be in place to ensure that drivers are regularly updated on the standards they should be meeting when driving at work.

In order to be authorized to drive on behalf of the council when starting their role, a new employee will need to complete the Driving on Council Business E-learning module, which is one of the mandatory H&S training packages (and is required to be retaken every 2 years). Managers must ensure this training is completed as part of the formal induction for new starters. Records of the training will be held on the iTrent HR system.

With the introduction of the new Learning Management System the Driving on Council Business e-learning module will be reviewed to ensure that it is fit for purpose. An update module will require drivers to complete a Declaration/ Code of Conduct on the standards they agree to abide by.

## 4.10 Accident Reporting

Incidents at work can be reported via the e-form on the front page of ForestNet [Accident Report](#) alternatively you may want to contact the Corporate Health and Safety Team direct via [health&safety@nfdc.gov.uk](mailto:health&safety@nfdc.gov.uk).

## 5. Appendices

[Appendix 1 - Grey Fleet Drivers Handbook](#)

[Appendix 2 – Flowchart – Driver Authorisation](#)

## 6. Further Guidance & Associated Policies

- [Corporate Drug and Alcohol Policy](#)
- [Drivers Handbook](#)
- [Corporate Health and Safety Policy](#)