

# Driving for Work Code of Practice

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## Document control summary

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## Version control summary

Version	Date	Summary
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V.3	August 2015	Final draft
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## **1. Statutory Requirements**

The main Acts and Regulations relevant to this code of practice are:

- The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999;
- The Road Traffic Act 2016
- Corporate Manslaughter and Corporate Homicide Act 2007;

## **2. Purpose**

CQC values are fundamental to how we manage and care for our staff, visitors and the public. This code of practice seeks to ensure that all our driving at work activities aim to promote health, safety and wellbeing strategies and support our values of excellence, caring, integrity and teamwork.

The purpose of this code of practice is to ensure that staff who drive as part of their job:

- Comply with statutory requirements of driving on public highways and recommended best practice guidance;
- To provide evidence that staff hold a current driving licence, and that the vehicle or vehicles used are appropriately insured and have a current MOT; and
- Enable CQC to fulfil its statutory 'duty of care' for its staff

This document details the arrangements necessary and the individual and collective responsibilities that will ensure that the risks associated with occupational driving are minimised, so far as is reasonably practicable.

## **3. Scope of Code of Practice**

This code of practice applies to all staff employed by the CQC who drive as part of their CQC duties, irrespective of their hours worked and regardless of length of contract or service.

The code of practice also outlines the arrangements for Experts by Experience, SOADS and Specialist Advisers and Board members

This code of practice must be read in conjunction with the Health and Safety Policy and the Travel and Subsistence Policy.

## **4. Introduction**

The Health and Safety Executive, in collaboration with the Department for Transport and the Royal Society for the Prevention of Accidents, have published guidance for employers on 'Driving at Work – Managing Work-related Road Safety'. This

guidance states that the requirements of Section 2 of the Health and Safety at Work Act 1974 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999 apply to all work-related activities, including 'work-related driving'.

The Management of Health and Safety at Work Regulations 1999 require that all activities are appropriately risk assessed and this includes providing **information, instruction and training** for staff on the risks and risk mitigation of the activity – i.e. driving for work.

This code of practice does not diminish in any way the individual's responsibility to act within the law in all regards when driving on the public highway.

## 5. Qualified to Drive

All staff who drive on behalf of the CQC for business purpose, are personally responsible for ensuring that they are qualified to drive the relevant type of vehicle within the UK and hold the necessary driving licence, insurance and MOT (if required). Staff will be required to produce evidence of this prior to driving and claiming mileage expenses.

**Bank Inspectors, SOADS and Specialist Advisers** will be required to provide documentation to the Flexible Workforce Manager inclusive of insurance, MOT (if required) and summary of driving licence or unique code which is available from DVLA [View or share your driving licence information - GOV.UK](#). The Flexible Workforce Manager is required to provide information and reports of any accident or incident relating to working for CQC to the CQC Health and Safety Team. **Bank Inspectors and Specialist Advisers** are requested to use public transport where available.

**Experts by Experience** will be required to provide documentation to their support organisation. This is inclusive of insurance, MOT (if required) and summary of driving licence or unique code which is available from DVLA [View or share your driving licence information - GOV.UK](#). The support organisation is required to provide information and reports of any accident or incident related to working for CQC to the CQC Health and Safety Team.

Managers and administrators must ensure staff who use hire vehicles as part of their employment have a valid driving licence and are permitted to drive the relevant vehicle, as outlined in the hire agreement. The 'Hire Company' will ask to see your driving licence summary or unique code which you will need to obtain from DVLA [View or share your driving licence information - GOV.UK](#).

## 6. Information, Instruction and Training

All those driving for work are required to complete the learning training module and risk assessment and confirm with their manager that they have the correct documented evidence on an annual basis.

There will be an expectation that new employees will undertake the learning training module within 2 months of commencement and will have provided their documentation prior to their first expenses claim (insurance, MOT, driving licence summary or unique code – see link above). **For those without access to the CQC intranet, (Specialist Advisors) a paper copy of the training module will be provided, for completion and return to the Flexible Workforce Manager.**

## **7. Claiming Expenses related to Driving**

When claiming for expenses related to driving, all staff are required to confirm in one declaration that they:-

- Have completed the learning training and assessment module;
- Have business use and/or commuting insurance (see FAQs for definitions – Appendix 1);
- Have a current valid driving licence and valid MOT certificate;
- Have shown the documentation to their manager within the last 12 months - [View or share your driving licence information - GOV.UK](#)

Managers, by authorising mileage claims, confirm they have seen all relevant documents within the last 12 months. Managers will receive quarterly updates on staff training completion rates to provide assurance that their team have completed the training.

Bank Inspectors and Specialist Advisors will submit mileage claims to Inspection Leads, who will sign off mileage claims. Driving documentation will be checked by the Flexible Workforce Team prior to mileage claims being paid.

## **8. Insurance**

The law requires all those who drive on the public highway to be adequately and appropriately insured. This means that any person driving, albeit occasionally in connection with the business of their employer, must be covered for 'business use'. See *Car Insurance FAQs – Appendix 1*.

All CQC staff who drive in any capacity for work (either to a local train station or to another CQC office, or as part of their job – driving to an inspection) and claim mileage, must have the necessary insurance.

CQC would not hold the insurance/liability if an employee is driven on work related journeys by a partner/non CQC employee. It is recommended that employees discuss this with their insurance provider if it applies.

Guidance:

The standard car insurance is for 'social, domestic and pleasure' purposes only,

which permits travel to and from your normal place of work, but not use of the vehicle whilst at work. If you need to use your car for work then informing your insurer that you intend to use your private vehicle for 'occasional business use' is essential, to avoid invalidating your insurance. This does not normally incur any additional expense, but does ensure that you are adequately covered in the event of an accident or personal injury.

Note – 'occasional business use' may have a limit to the amount of miles travelled on business per annum. This should be clarified with your insurance provider. In addition there are tax implications for travel for business over 10,000 miles per annum. [Tax relief for employees: Business mileage, fuel and electricity costs - GOV.UK](#)

## **9. Fitness to Drive**

It is every individual's responsibility to ensure that they are medically fit to drive, irrespective of whether they are doing so as an individual for social, domestic or pleasure purposes, or for work. Managers may need to seek advice from HR Advice and Guidance regarding reasonable adjustments if an employee's fitness to drive has changed.

### **Dealing with Medical Conditions Affecting the Ability to Drive**

Where staff are required to drive as part of their duties, they must inform their line manager immediately of any medical condition that would prevent them from driving legally. Managers should, in consultation with the individual, identify other ways in which they can undertake their role.

### **Telling DVLA about a Medical Condition or Disability**

You must tell the DVLA if you have a driving licence and:

- You develop a 'notifiable' medical condition or disability
- A condition or disability has got worse since you got your licence.

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

- Epilepsy
- Strokes
- Other neurological and mental health conditions
- Physical disabilities
- Visual impairments.

Advice should be sought from the HR Advice and Guidance Team and where applicable, Occupational Health, in order to identify in consultation with the individual, all reasonable adjustments.

## **10. Road Safety**

The law states that it is the responsibility of the driver to ensure that any vehicle driven on the public highway is safe and fit for use. *(see appendix 2 as an example of pre-user checks)*

In the case of staff who use their own private vehicle for work, it is their responsibility to ensure that the vehicle has a valid MOT certificate (where applicable), is properly maintained and roadworthy.

Drivers must not drive under the influence of alcohol, intoxicating drugs or other substances and should be aware of the length of time it takes for alcohol or substances to clear your system before it is safe to drive. Drivers should be aware that any instances of driving on CQC business while under the influence of drink, drugs or other substances, will be treated as a serious disciplinary offence which could potentially lead to dismissal.

Guidance:

Drivers who are taking prescription drugs that might adversely affect their ability to drive should inform their line manager in the first instance and co-operate fully in determining the most appropriate course of action, and may be asked for further medical information. They should discuss with their GP the professional advice regarding work related activities while taking the prescribed medication.

### **10.1 Using Mobile Phones when Driving**

Staff who are driving whilst at work are required to comply fully with the law.

It is also an offence to 'cause or incite' persons who are driving to be in breach of the law and therefore line managers and colleagues should avoid making contact via mobile phone with staff, when they are known to be driving.

Staff are encouraged to switch off their mobile phone and make use of the voicemail facility, making return calls when it is safe to do so. Any passengers e.g. car sharing, must recognise the need not to disturb the driver.

Guidance:

Managers should be clear on expectations and set a good example and if aware that a conversation is happening while someone is driving, end the call and re-arrange

the conversation.

It is illegal to use your phone while driving unless you have hands-free access, such as:

- A Bluetooth headset
- Voice command
- A dashboard holder

The law still applies to you if you are:

- Stopped at traffic lights
- Queuing in traffic
- Supervising a learner driver

### **Hands-free**

If you use your phone hands-free, you must stay in full control of your vehicle at all times. The police can stop you if they think you're not in control because you're distracted and you can be prosecuted.

### **When You Can Use a Hand-held Phone**

You can use a hand-held phone if either of these apply:

- You're safely parked
- You need to dial 999 or 112 in an emergency and it's unsafe or impractical to stop

### **Penalties**

You can get 6 penalty points and a £200 fine if you use a hand-held phone. You can also be taken to Court where you can:

- Be banned from driving
- Get a maximum fine of £1,000
- If you passed your test in the last 2 years, you will lose your licence

On 8<sup>th</sup> June 2015 the paper counterpart to the British driving licence was abolished making way for an on-line system changing the way motorists share their details with employers and car hire companies.

To share their details, staff must generate a code, which can then be redeemed just once by a third party. The check code generated is valid for 21 days.

You can view and share your driving record at [View or share your driving licence information - GOV.UK](#). You'll be able to see your information electronically and

generate a check code which you can then share with people who need to see your details. You can also download and print a summary.

## 10.2 Route Planning/Scheduling

Where staff are required to undertake work-related driving, it is expected that the schedule of driving, work activities and periods of rest are mutually agreed and determined, so as not to place an undue burden upon the driver. This includes recognition of the risk of fatigue and reduced concentration on driving ability.

The assessment of schedules should take into account:

- route selection
- distance
- time
- duration of travel
- opportunities for rest breaks
- experience of driver
- prevailing weather conditions

Managers must support staff in making safe decisions and promote safe driving including long days and not driving in adverse weather.

Guidance:

In exercising reasonable control over work related driving, you need to be able to answer the following questions positively:

- Are routes selected suitable?
- Is the schedule realistic and provide sufficient time for the journey, making adequate allowance for rest breaks, and traffic congestion?
- Has sufficient consideration been made of the work activity to be undertaken upon arrival and the distance/time involved, to ensure that the risk of driver fatigue is minimised?

The Highway Code recommends a 15 minute break from driving every 2 hours.

- Have overnight stays and/or alternative means of transport been considered?
- Have all opportunities to use TC/VC alternatives been utilised?
- Has the use of satellite meeting locations (hubs) been considered to reduce journey distances?

## 10.3 SATNAV

CQC support the use of SATNAVs. It is the responsibility of the employee to ensure that the SATNAV is regularly updated. The cost for updating the data on the SATNAV annually can be reclaimed through expenses. Avoid inputting your home

address and identification, in case the SATNAV is stolen – see our training on personal safety.

It is essential that staff recognise the risk of being distracted by SATNAVs and take appropriate action to mitigate the risk.

## **11. Reporting Accident and Incidents**

All work related accidents and incidents, including when travelling on business, must be promptly reported to your line manager and the Health and Safety Team. It must be noted that health and safety legislation places explicit duties to report accidents and incidents in a timely fashion. Managers must be familiar with the Accident & Incident Reporting code of practice which is available on the health and safety intranet pages, and adhere to the CQC Health and Safety Policy [Health and safety](#). If in any doubt, contact the Health and Safety Team.

Where staff are driving vehicles that are hired by the CQC, the hire company holds 3<sup>rd</sup> party insurance and all staff are advised to be familiar with the arrangements for informing the hire company of an incidents or accidents. Their line manager must also be informed, as well as the Health and Safety Team.

### **Guidance:**

Staff who are involved in an accident/incident whilst engaged in work-related driving in their own vehicles should deal with any claims that arise from this directly with their own insurer. However, they **MUST** inform their line manager and an internal accident report form must be completed and submitted to mail inbox – askhealthandsafety for monitoring purposes, and to insist in the investigation and identification of any workplace support or adjustments that may be required.

## **Code of Practice Review**

It is the responsibility of the National Health, Safety and Wellbeing Committee on behalf of the Chief Operating Officer Customer and Corporate Services to monitor and review this code of practice, and to present any necessary changes, to the Executive Team (ET). Reviews will be at least every 3 years.

**Next review date scheduled for August 2020.**

All CQC staff who drive in any capacity for work (either to a local train station or to another CQC office, or as part of their job – driving to an inspection) and claim mileage, must have the necessary insurance: either, Social and Commuting, or Business use. The definitions for the different types of insurance are as follows:-

There are three main classes of use to choose from, as well as some further options you'll need to consider if you regularly drive as part of your job:

### **Social Only**

#### **(This is not for any CQC staff claiming mileage)**

- With this type of cover, the insured car can be used by the named drivers for non-work-related driving only. Also known as social, domestic and pleasure use only.
- This covers you for normal day to day driving, such as driving to visit family and friends or shopping.

### **Social and Commuting**

Applicable to some CQC staff who occasionally commute for work but who are not in receipt of the operational car user allowance.

- This provides cover as above for social, domestic and pleasure use, as well as for driving back and forth to a permanent place of work.
- Travelling to a railway station en route to work, where the car is parked, is usually classed as commuting. Dropping someone else off at their place of work may also be classed as commuting by your insurer.

### **Business Driving**

Applicable to all CQC staff who receive operational car user allowance and CQC staff who are required to drive for work/or to another office.

If the car is being used in connection with work beyond simply commuting, you'll need a level of business insurance cover:

- Business use by you – this covers all of the above, plus your business-related driving away from your normal place of work.
- Business use by you and/or your spouse – this simply extends the cover provided for business driving to your spouse. There are often options to do this for all drivers' names on the policy.

The Road Traffic Act states that the driver is responsible for the roadworthiness of any vehicle, the load being carried and the wearing of seatbelts by passengers, whilst travelling on the public highway.

As such, it is strongly recommended that for staff intending to drive any vehicle on CQC business, they should undertake appropriate checks prior to using the vehicle, for example:

- Tyre tread
- Foot and hand brake operate
- Lights, indicators and hazard warning light operate
- Horn operates
- Screen wash and wipers operate
- Seat belts fitted and functioning
- Mirrors adjusted/adjustable
- Suitable provision for seasonal weather conditions e.g. supply of de-icer, scraper etc.

These are tasks which do not require any technical expertise and are the basic checks included in the UK driving standards examination.

Additional checks for long journeys might usefully include:

- Fluid levels (oil, coolant, screen wash)
- Tyre pressures
- Locks and security function
- Fuel level

It is not intended that checklists are provided or that records of pre-use checks are kept, as it remains the responsibility of any driver to ensure that a vehicle is roadworthy.