

# Driving policy

Version 3  
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## Introduction

This policy identifies how the City Council will manage the significant risks from the driving activities of those who drive vehicles for, or on behalf of the City Council including employees, volunteers and external organisations.

## Policy Statement

It is Coventry City Councils policy to prevent accidents, injuries and other incidents across the whole range of driving activities by ensuring that all persons driving vehicles for, or on behalf of the City Council comply with the relevant legislation and best practice requirements. In doing so, we aim to reduce the number of personal collisions and loss incidents in line with the City Council Risk Management strategy. This will be done by ensure driving activities are organised safely and improvements and initiatives in driving techniques are supported.

The Chief Executive and Management Board will be designated as the the Duty Holders and are required to appoint a competent Responsible Person/Persons to ensure compliance with this policy and to ensure that the City Council meets its statutory obligations.

## Significant Risks

- Vehicle collisions
- Entrapment and crushing from reversing vehicles / moving equipment, unsecure or unsafe loads falling from vehicles
- Manual Handling injuries from poor loading and unloading of vehicles
- Operatives falling from vehicles
- Impaired fitness to drive from alcohol, drugs, fatigue and stress
- Distractions from disruptive passengers and/or use of communications equipment whilst driving
- Injuries from failure to use safety equipment e.g. seatbelts, child seats

## Directors, Heads of Service and senior managers (including Head Teachers) Responsibilities:

- Ensure the requirements of the Driving Policy are implemented as an integral part of business and operation planning and service delivery

## Management responsibilities:

- Ensure that risk assessments are conducted for all driving activities
- Ensure persons affected by this policy, including external organisations that use City Council vehicles have access to, or are issued with this policy
- Check that all those driving for and on behalf of the City Council are competent and fit to do so
- Check that, as far as is reasonably practicable, the driver's vehicle is suitable for the journey and task
- Ensure that City Council vehicles are maintained in a roadworthy condition
- Ensure journeys are planned safely
- Conduct checks to ensure drivers comply with the Drivers Hours and Working Time Directive regulations where required to do so
- Ensure that employees have received training and assessment in the safe operation and use of vehicles, plant and any associated equipment including where required periodic training for the Driver CPC
- Raise awareness of driver and road safety
- Check driving documentation
- Take the necessary action when informed of driving convictions/endorsements
- Investigate driving collisions/incidents which occur at work and follow the Motor Vehicle Incident procedure and where applicable comply with the Accident and Near Miss Reporting arrangements
- Ensure that an Insurance Information card is carried by the driver, or is in every vehicle, in the event of an incident or collision

## Employee responsibilities:

- Comply with the requirements of the Highway Code, and all relevant road traffic legislation, Drivers Hours regulations and the Road Transport Working Time Directive (where required to do so), City Council guidance and relevant codes of practice
- Employees must also inform their manager of any medical condition that affects their ability and fitness to drive. Additionally, where safety equipment provided it is used and maintained correctly in line with the manufacturer's instructions

## Human Resources Responsibilities:

- Ensure the recruitment procedures are adhered to and recorded
- Establish if the individual is medically fit to drive. Seek advice from the Occupational Health Service
- Ensure personnel records are maintained

## Occupational Health, Safety and Wellbeing Service Responsibilities:

- Monitor and review compliance with this policy

## Trainers and Training Providers Responsibilities:

- Deliver courses to the required standard
- Maintain adequate records of attendees
- Upload driver information to the Driver Vehicle Standards Agency (DVSA) within specified timeframes for the issue of a Driver Qualification Card

## Legislation

Management of Health and Safety Regulations 1999 (MHSW)  
The Road Traffic Act 1988/1991 and associated amendments  
The Road Safety Act 2006  
The Goods Vehicle Operators Licence 1995  
The Road Vehicles (Construction & Use) Regulations 1984 and associated amendments  
The Road Transport Working Time Regulations 2005  
The EU Drivers Hours Rules 2006 (Regulation (EC) 561/2006)  
The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 and associated amendments

Review Date

Standard = 24 months from date of reformat

## FURTHER INFORMATION AND GUIDANCE

### Driver types and Responsibilities

**'Type '1' drivers':** Includes all employees (including school teachers who drive minibuses), agency personnel or employees with temporary contracts, who drive City Council owned/hired vehicles or vehicles donated to City Council directorates/establishments e.g. fleet vehicles, school minibuses etc.

**'Type '2' drivers':** Includes all employees who drive their own vehicle or a vehicle leased to them in the course of their duties.

**'Type '2(A)':** Includes drivers who use City Council pool cars.

**'Type '3' drivers':** Includes non-employees or employees outside of their employment who drive vehicles owned by or donated to the City Council, e.g. volunteer, scout/guide leader etc.

**'Type '4' drivers':** Includes volunteer helpers who use their own vehicles to transport persons who are under the care and responsibility of the City Council i.e. taking pupils on school activities, transporting people under the care of Community Services, Children Learning and Young Persons directorates etc.

### **Type '1' drivers are required to: -**

- Sign a driving declaration
- Undertake at a minimum, a pre-employment Defensive Driving Course. Employees already in post e.g. teachers who during their employment are nominated or directed to be Type '1' drivers must attend the training prior to performing driver duties. This condition may be replaced in some passenger carrying areas who may take the MIDAS in place of defensive driving
- Attend the City Council approved defensive driving course and refresher course every 3 years – more frequently if personal accident rate is high or convictions dictate
- Provide driving documentation and other relevant documents for inspection as appropriate
- Complete a DVLA mandate
- Report to their supervisor / manager all collisions/incidents which happen at work
- Inform their supervisor of any change in circumstances regarding their driving documentation or status
- Carry a Driver CPC Qualification card when driving vehicles over 3.5t or carry an exemption declaration dependant on the work being carried out. This is not required unless work being undertaken is for hire and reward
- Where drivers are using tachograph cards, they must download the card at the end of every week, or when they commence their next shift
- Drivers must remain within the law regarding drivers hours, and are required to acknowledge, and sign for any infringements which they might receive

### **Type '2' and Type '2(A)' Pool Car drivers are required to: -**

- Provide driving licence, appropriate insurance and MOT documentation as required
- Report to their supervisor / manager all collisions/incidents which happen at work
- Inform their supervisor / manager of any change in circumstance regarding their driving documentation or status
- Maintain adequate insurance to cover business use of the vehicle

### **Type '2(A)' Pool car drivers are also required to: -**

- Sign a driving declaration

Undertake a driving assessment in a pool car before they are allowed to drive. A record of assessment must be kept on Resourcelink or held locally.

### **Type '3' drivers are required to: -**

- Attend the City Council's approved Minibus Driving Course (MIDAS) and, as appropriate, a refresher course every 3 years if the primary use of the vehicle they are to drive is for the purpose of transporting other persons e.g. minibus trips. Otherwise;
- Take part in a driving assessment to successfully demonstrate an acceptable level of driving ability and to partake in a re-test as necessary if the use of the vehicle is not primarily for the transportation of other persons
- Report all collisions/incidents involving the vehicle or passengers
- Inform the City Council's representative of any material change in their driving documentation or status
- Provide driving licence, and appropriate insurance where applicable

### **Type '4' drivers are required to: -**

- Provide driving licence, appropriate insurance and MOT documentation as required

## Procedure

All job details used to recruit employees who will be expected to drive as part of their duties must make reference to the relevant requirements of this document.

When recruiting employees who will be expected to drive as part of their duties Human Resources/ Recruitment Officers must ensure that all aspects of the 'Recruitment Checklist' are confirmed.

Driver's licences and other relevant documents e.g. insurance etc. must be checked prior to employment and all drivers (dependant on the type) who drive City Council vehicles must ensure that they present their documentation for inspection in line with council requirements (see table 1) and an appropriate recorded entry of the inspection must be kept on Resourcelink. Schools and other educational establishments are to check drivers licences and other relevant documents and keep a record locally.

Directorates must assign an appropriate officer to ensure that an up to date register is kept of all Type '1' drivers, including Agency drivers, identifying which types/class of vehicles they are authorised to drive and to oversee driver training.

DRIVER TYPE	INSPECTION FREQUENCY	RECORD IN	INSPECTION DOCUMENTS	BY WHOM
1	6 Monthly	Personal File, Driver details records, Fleet electronic licence check	Driving licence	Human resources / supervisor Fleet Services via Licence check or nominated person
2 & 2(A)	Annually	Driver details records, Fleet electronic licence check	Driving licence, business insurance (& MOT where applicable)	Manager / Supervisor / Fleet Services electronic licence check
3	Prior to driving	Driver details records	Driving licence & Insurance	Person in charge / responsible for the vehicle
4	Prior to driving	Driver details records	Driving licence, appropriate insurance & MOT where applicable	Person responsible for initiating transport arrangements

## Fitness to Drive

The City Council Occupational Health, Safety and Wellbeing Service have a procedure for assessing an individual's medical fitness for driving duties for the Council.

Anyone employed by the City Council to drive must: -

- Complete a medical history statement for fitness prior to their employment
- If required, attend for medical examination before employment commences
- LGV drivers who are 45 years of age or over must undertake a medical examination every 5 years until the age of 65 where an annual medical examination is required

An employee who develops a medical condition whilst in employment, which could be a risk factor whilst driving must be referred to the Occupational Health Service and be assessed for suitability to continue driving. Employees are required to inform their GP where they have a medical condition that could affect their driving.

A list of medical conditions that could affect a driver's suitability to driver are listed on the government website: - <https://www.gov.uk/health-conditions-and-driving>

Where a driver's licence is being held by DVLA, the driver should produce a 'fit to drive' note from a doctor, and a cover note from DVLA.

## Training

All defensive driving and minibus training must be undertaken through City Council appropriately qualified individuals. Other training providers having an equivalent standard may also be used, on condition that the Fleet Manager approves their use before any training is undertaken. Each directorate must nominate a person or persons to oversee driver training & liaise with the approved training provider.

**Note:** - Defensive Driving Courses, as a principle, are to be used only as a training aid and for career enhancement for employees. Failure to meet assessment standards will only identify the need for more specific driver training. Defensive Driver training is not to be used as a tool for bringing disciplinary action against an employee, although it is recognised that if an employee is referred for re-assessment on more than three occasions, other management action may be necessary.

## Training Courses

A full list of training courses required for drivers who drive on behalf of the City Council can be obtained from Fleet Services.

## Accident/Incident Reporting

All persons including volunteers who are driving on behalf of the City Council and are involved in a collision must not admit any liability or responsibility at the scene of an incident. Exchange details and notify your manager /supervisor as soon as possible and ensure that the appropriate report forms are completed and sent to Insurance Services and the Occupational Health, Safety and Wellbeing Service and where necessary the Place Directorate Fleet Manager.

All persons who have occasion to drive vehicles in pursuance of or in connection with City Council business have a duty to inform their supervisor of all driving accidents /incidents which occur whilst carrying out their duties. It is the supervisor's responsibility to carry out an initial investigation of such incidents.

### a) Council owned or hired motor vehicles

Drivers are to report incidents directly to their Manager/Supervisor who will complete a (SHE) Assure online report within 24 hours of the incident (or as soon as practicable). Incidents will be communicated using the Alcumus Incident Reporting System to the Occupational Health, Safety and Wellbeing Service, Insurance Services and Fleet Services.

If the employee suffers an injury due to an incident, then these details including any lost time details will need to be completed by their supervisor on a Alcumus incident report.

However, if a passenger or other third party (e.g. school pupil /client) in our care suffers an injury in an incident of this nature then the established protocols for reporting incidents will need to be followed e.g. pupil accident or the Accident and Near Miss Incident report on Alcumus.

### (b) Private motor vehicles used on Council Business

Employees driving their own vehicle / passengers on Council business will need to inform their own Insurance Company if they are involved in a vehicle incident. In these circumstances a (SHE) Assure Incident report will not be required unless an injury has been sustained.

A manager /supervisor will interview persons involved in a driving accident whilst at work irrespective of seriousness. This interview will take place as soon as possible after the occurrence.

Type '1' drivers who are involved in driving accidents/incidents at work for which they are considered to be at fault will be dealt with using the internal disciplinary procedures and referred for immediate refresher defensive driving training after two occurrences or earlier if deemed necessary.

If driving accidents/incidents continue to happen and the manager/supervisor in conjunction with the Insurance Services Manager considers the employee to be responsible, the employee will be subject to disciplinary action in accordance with Council Policy and Procedures.

In addition to notifying their manager/supervisor, minibuss drivers must also inform a representative at the establishment controlling the minibus, this is particularly relevant for accidents/incidents that occur when the minibus is hired or loaned e.g. Community Development Service, schools etc.

## **The Goods Vehicle Operators “O” Licence**

Requirements within the City Council “O” licence include that;

- All City Council vehicles are maintained in a roadworthy condition, subject to planned routine vehicle servicing, planned safety inspections, that vehicles are inspected daily prior to use and that written records are to be maintained.
- Driver hours are subject to strict control, sometimes requiring the use of a tachograph
- All loads to be carried / positioned correctly, with vehicles not being overloaded.

All persons who drive, or have control of City Council vehicles, or operate minibuses under a Permit issued by Coventry City Council, need to be familiar with the requirements of the “O” licence.

Even where establishments operate vehicles with a kerb side weight of less than 3500Kgs, the operation of these vehicles may still have an effect on the City Council “O” licence, i.e. in severe cases this could lead to removal of the O Licence.

Consequently arrangements must be in place to ensure that: -

- All vehicles comply with the relevant legislation and guidance,
- That written records of the daily inspection, safety inspections, service records and any other relevant information to be collected, are completed
- All relevant documentation is maintained
- Documentation is available for inspection at all times

These records will be subject to audit and inspection.

The City Council acknowledges that the Road Vehicles (Construction & Use) Regulations requires that particular goods vehicles and certain passenger vehicles with more than 8 passenger seats are required to be fitted with speed limiters. City Council insured vehicles will comply to these requirements where necessary.

## **Reversing**

Wherever possible, reversing should be avoided. Where reversing operations cannot be avoided then the manoeuvre must be undertaken with extreme care taking into account the prevailing road conditions. All reversing must be carried out at a slow speed using any reversing aids that are provided on the vehicle e.g. Reverse Audible Warning Devices (RAWD's), mirrors, CCTV cameras, sensory devices etc.

Reversing manoeuvres need to be appropriately risk assessed, in particular regular pre-planned situations. The risk assessment needs to be suitable and sufficient and proportionate to the level of risk. Within the assessment process consideration needs to be given to the size of the vehicle being used, nature of the task and any specific operational arrangements/difficulties that may prevail.



In certain circumstances additional controls to those mentioned above may be necessary, an example of this may be the requirement to use a reversing assistant. **This is in addition to and does not replace the use of other reversing aids that may be present on the vehicle e.g. RAWDs, mirrors, etc**

Only individuals who have received the appropriate training to carry out the function of a reversing assistant will be allowed to assist the driver. They must wear the required high visibility and protective clothing when performing this duty. Their role will be to prevent members of the public going behind the vehicle when it is reversing and to assist the driver in the safe manoeuvring of the vehicle and not to stop oncoming traffic.

### **Reversing Large Goods Vehicles (LGV's)**

**All reversing of Large Goods Vehicles (OVER 7.5T), must be undertaken using trained reversing assistants, unless it is unsafe to do so, or a suitable and sufficient risk assessment has determined otherwise.**

*It is the driver's responsibility to determine when it is unsafe, however, general guidance to assist drivers with their decision must be provided by their manager/supervisor.*

### **Reverse Audible Warning Devices (RAWD's)**

The City Council has decided that all City Council owned or operated vehicles with a kerb side weight in excess of 2000Kgs will be fitted with Reverse Audible Warning Devices (RAWD's). Typical vehicles to which RAWD's will be fitted include; all buses, minibuses, large vans/lorries and refuse vehicles. These devices must be used and maintained in accordance with all relevant legislation and "best practice".

Vehicles that have these devices fitted must not be driven if the device is in anyway defective. If the vehicle is to be used or operated between 23:30 and 07:00 hours, a specific risk assessment will need to be undertaken, as the law requires that RAWD's must be disabled between these times. When driving a vehicle not fitted with a RAWD, the risks will need to be highlighted and a suitable and sufficient risk assessment completed. Should it be necessary to disable the RAWD for any other purpose, the specific agreement of the Fleet Manager must be obtained.

When it is necessary to spot hire vehicles the City Council will take all reasonable steps to use vehicles with appropriate RAWD's, where this is not possible other appropriate arrangements must be in place to ensure a safe system of work for the reversing of these vehicles. These arrangements must be recorded within the risk assessments and staff clearly informed about the safe system of work before the hired vehicles are used. Further advice from the Fleet Manager or Health and Safety Advisers is available.

### **Fire and First Aid in Vehicles**

All City Council owned, or operated vehicles should carry at least one 2Kg serviceable fire extinguisher. Two fire extinguishers are required for accessible minibuses i.e. those with a tail-lift. Selection of the most suitable fire fighting equipment must be based on a suitable assessment of risk associated with the type of transport.

A suitably sized first aid kit should also be carried at all times. Local management arrangements should be in place to ensure that the first aid kits are checked on a regular basis and that the required contents are always available and in good condition. This check should be made prior to the vehicle being used. Records of the checks should be maintained. Further guidance is available in the City Council's First Aid guidance: [coventrycc.sharepoint.com/Shared Documents/First Aid guidance.doc](https://coventrycc.sharepoint.com/Shared Documents/First Aid guidance.doc)

Suitably qualified first aiders may be required for your journey and a first aid assessment should be undertaken as part of the planning process. You must ensure that appropriate provision is made, especially when using a minibus for your journey.

## **Seat Belts and Child restraint in vehicles**

All drivers and passengers using City Council insured vehicles or privately-owned vehicles to undertake City Council business must at all times comply with seat belt laws. Seat belt restraints must be suitable for their purpose and correctly adjusted prior to the vehicle moving. Remember - it is illegal to use a rear-ward facing child restraint in a vehicle seat which is protected by a front airbag.

In a taxi, if a child restraint is not available then the child may travel unrestrained in the rear. This is the only exemption and has been introduced for practical rather than safety reasons. The City Council's contracted taxi arrangements for transporting children require that on regular pre-determined trips the taxi companies must provide suitable and sufficient child restraints whereas on ad hoc 'one off trips' they do not, albeit that they are encouraged to have such facilities available. Contract compliance officers regularly monitor compliance with this requirement.

Seated passengers aged 14 years and over **MUST** use seat belts where they are fitted. The City Council through this Policy requires that children travelling in coaches must be properly restrained. It is not acceptable for children to sit on adult laps or to be unrestrained.

Detailed guidance regarding the use of child car seats can be found at [www.childcarseats.org.uk/](http://www.childcarseats.org.uk/)

## **Disruptive Passengers**

Where there is a foreseeable likelihood of disruptive passengers, a code of conduct should be issued to passengers, parents or carers in advance of the journey. This should indicate standards of acceptable behaviour, e.g.

- Sensible and safe entry to and exit from the vehicle
- The need to remain seated and with a seat belt in place for the duration of the journey
- Not causing obstruction to others on the vehicle
- Identifying that smoking, drinking alcohol or spitting is not permitted on vehicles
- Identifying that eating and consuming soft drinks may be permitted by permission of the driver
- Not causing damage to the vehicle
- Not tampering with emergency exits or opening windows on the vehicle
- The need to be polite and courteous to the driver and to treat other passengers with respect
- A statement that passengers who do not abide by the code of conduct may find their rights to travel are reviewed
- Signature from passenger/parent or carer

Specific behavioural management plans for individuals on any journey should be made available to the driver and/or escort in accordance with the educational visits or transport risk assessments. These plans should be followed at all times. Drivers and/or escorts should receive training in accordance with passengers needs and risk assessment requirements.

If a passenger is showing signs of disruptive behaviour before the journey commences then the driver should not leave until all parties are satisfied that the journey can be completed safely. In the event that a passenger becomes disruptive during a journey, so that they are putting themselves or others at risk, the driver should stop the vehicle at the nearest place of safety and the driver/escort should call for appropriate assistance. This may include calling the emergency services, police or relevant duty managers if necessary.

All reasonable steps must be taken to avoid leaving any passenger unaccompanied and without transport and in no circumstances should a passenger be left in a situation where they would be at risk. When a disruptive passenger is clearly of a vulnerable group i.e. disabled, young child, looked after children (LAC) under NO circumstances should they be left unsupported.

## Wheelchairs

When providing transport for clients in wheel chairs, only vehicles manufactured or suitably adapted for the purpose must be used.

All vehicles used for this purpose must have suitably installed floor tracking and 3 point harnesses (as a minimum), supplied and inspected to the relevant standards, and suitable for the client & wheelchair to be transported.

These systems must be correctly fitted to the wheelchairs and the clients, for every journey irrespective of the distance to be travelled or the journey time / duration.

Persons who fit these systems to the wheelchair and the client must have received adequate instruction and training in the correct methods to be adopted and used. This may require an element of basic training to ensure that correct methods are employed. The driver's supervisor/ manager should maintain a record of this training.

If the harness system is not suitable for any reason, for example, if it is not compatible for the wheelchair or user, if it is damaged or if it is unavailable etc., transport must not be undertaken and you should contact your supervisor or manager for advice.

## Use of Minibuses

The requirements in this section apply to all City Council minibuses, whether being driven by a City Council employee, volunteer or whilst on loan to community groups such as a scout/guide troop.

The City Council has adopted a policy, which requires that all minibuses owned, hired or donated to the City Council will be operated under a National Permit. The National Permit is issued to the establishment and not the vehicle.

Each establishment will need to apply for a permit. The disc provided with the permit will need to be displayed in the vehicle in question.

Anyone driving a City Council minibus must meet ALL the criteria listed below.

Drivers must: -

- Be aged 21 years or over and meet the required DVLA medical standards.
- Have held a full driving licence for not less than 3 years and have the appropriate category of licence for the vehicle being driven.
- Have undertaken, and successfully completed the City Council's Midas\* course within the last 3 years

*\*The Midas course is required if drivers need to provide transport for persons with learning difficulties, wheel chair users etc. Please contact your supervisor or Fleet Services for further information /advice*

Be driving a vehicle that is compliant with Section 19 or section 22

- Hold a full driving licence, which includes the Type D1 (with the 101 restriction – not for Hire or Reward), where the minibus weighs more than 3500 Kg. or 4250 Kg. if fitted with specialist passenger equipment. (Note: - the automatic inclusion of the minibus elements on licences ceased from 1st January 1997)
- NOT have any driving convictions on their licence; other than parking offences or the first 6 points for speeding in private time in a private vehicle, as these can be ignored unless a driver review meeting is held

## Educational Visits

Schools and other providers who undertake educational visits must ensure that they are properly planned, and adequate arrangements are in place for visits within the UK and overseas. Staff planning and managing educational visits must comply with this policy when using council vehicles as well as the City Council Education Visits Policy and familiarise themselves with the good practice guidance documents for the management of outdoor learning, off-site visits and learning outside the classroom section 4 Preparation and Planning and Section 5 Transport:-  
<http://oeapng.info/downloads/good-practice/>

Planning and preparation considerations should include:-

- Ensuring drivers are appropriately licenced, have received appropriate training and are competent
- Considering the distance and length of time of the visit; that sufficient drivers are available to share driving and regular breaks are planned and taken to prevent driver fatigue
- Ensuring vehicles are in a roadworthy condition, adequately insured and a daily pre – use vehicle inspection is completed prior to first use
- Sourcing hired vehicles from reputable suppliers and ensuring vehicles are suitable for the passengers and journeys being made
- An assessment of first aid needs to determine the extent of first aid arrangements needed for visits
- Ensuring that adequate supervision is in place taking into consideration individuals who require one – one or close supervision
- The use of appropriate child seats and restraints for the age of the child (where required)
- Ensuring safety equipment is carried in vehicles in accordance with this policy and as required by law

Drivers intending to drive minibuses overseas should familiarise themselves with the OEAPNG Section 4 Guidance document 4.5b which provides information about driving outside the UK

## Use of Communications Equipment

**Mobile telephones, communication radios, satellite navigations systems, personal digital assistants (PDA's) and other in-vehicle devices.**

It is an offence to use a hand-held mobile phone or other electronic communication device whilst driving or controlling a vehicle on the road. The offence applies to all motor vehicles including motor cycles but not to pedal cycles.

It is also an offence to “cause or permit” a driver to use a hand-held device while driving.

A person may be regarded as ‘driving’ a vehicle while the engine is running, and the vehicle is stationary. The offence applies to all motor vehicles including motor cycles but not to pedal cycles.

- A mobile phone or other electronic device is in 'use' if it is being:
- Held at some point during the course of making or receiving a call or information
- Used to perform any other interactive communication function
- There are two exemptions:
- 2-way 'press to talk' radios such as those used by the emergency services and taxi drivers
- Using a hand-held phone for a genuine emergency call to 999 or 112, if it would be unsafe for the driver to stop.
- Safe use of mobile phones and other electronic communications devices

The vehicle must be stationary in a safe position, with the engine turned off before calls or other communications are answered or initiated.

All drivers are encouraged to use messaging facilities and make return calls when it is safe and legal to do so.

The law requires drivers to be in proper control of their vehicle.

Provided that a mobile phone, two-way radio, navigation equipment, PDA, etc. can be operated without holding it, then hands-free equipment is not illegal. However, if there is an incident, the Police may deem that the use of a hands-free device justifies a charge of careless or dangerous driving. Thus, a driver can be prosecuted for using a hands-free phone or other device if they are not in proper control of their vehicle when using it.

The use of such devices should be avoided and where deemed necessary, restricted to receiving communications only. Drivers must not respond to calls or messages whilst driving. Calls or other communications must only be returned when safe and legal to do so i.e. vehicle stationary and in safe position with engine turned off.

Hand held radios and mobile phones are not to be used on petrol station forecourts.

## Convictions

Although employees' driving documentation will be checked on a regular basis it is the responsibility of all employees to inform their supervisor/manager as soon as possible of any driving offence/conviction.

Where any driving offence/conviction results in Type '1', '2' or '2(A)' driver losing their Driving Licence, the supervisor/manager must inform Human Resources that the employee is unable to drive and may have difficulty in fulfilling the requirements of their job description.

The action taken will depend on the employee's conditions of employment and the extent to which driving is an integral part of their job. For example, it is extremely difficult to find alternative employment for a professional driver. However, an employee who occasionally uses their own vehicle to infrequently visit establishments may be able to make alternative arrangements.

Employees must report any driving licence offence/conviction to their manager/supervisor who will assess the possible implications in respect to the requirements of this Policy.

Where endorsements are issued against an employee for any offence other than parking offences and the first six points for speeding in private time and private vehicle a more detailed investigation will be necessary.

Consideration may need to be given to the application of other Council procedures e.g. capability or disciplinary procedure and/or whether other actions should be taken e.g. further training or removal from driving duties.

Any person charged with committing a dangerous or drink driving offence must report this fact to their manager/supervisor and will be immediately suspended from driving City Council vehicles, or undertaking any driving duties on behalf of the City Council pending their court case.

If the courts subsequently impose a statutory ban, the person concerned will not be permitted to drive for the City Council for the duration of the imposed ban.

When the duration of the ban has expired, and the statutory driving licence has been reinstated the person concerned must attend the City Council's Defensive Driving Course and demonstrate their driving competence before returning to driving duties.

Consideration may need to be given to the application of other Council procedures e.g. capability or disciplinary procedure.

#### **NOTE**

- Drivers who incur any conviction points linked to driving offences whilst in a Council vehicle will be subjected to an investigation.
- Persons wishing to hire a minibus through the City Council must meet the criteria for driving minibuses

### **Graduated Fixed Penalties**

Drivers who drive Large Goods Vehicles and commit some types of offences may not have their licence endorsed or penalty points awarded, instead a Traffic Examiner can issue a verbal warning, fixed penalty notice and/or a conditional offer. In general, these could be issued for driver's hours, vehicle roadworthiness e.g. brakes, steering, lighting problems (this list is not exhaustive) and overloading offences.

A DVSA examiner can deal with any vehicle on the road and issue a fixed-penalty notice or notices if appropriate. A fixed penalty notice is one of the options open to examiners when deciding the right course of action. Examiners will consider any mitigating factors before taking action.

Fixed penalties and conditional offers are graduated and repeat offences could result in prosecution. Additionally, Traffic Examiners have the right to prohibit vehicles from being driven to preserve road safety - for mechanical failures, weight issues, driver's hours, dangerous goods, overloading or in the case of vehicle roadworthiness offences issue a notice for the repair of the vehicle. Drivers could be liable for any fines, prosecutions, fixed penalties or conditional offers, should they be stopped by a traffic examiner.

Should an employee receive a verbal warning, fixed penalty and/or conditional offer they must inform their supervisor/manager as soon as possible and also whether they or the vehicle they are driving has been prohibited from being driven or a notice of repair has been issued. For all other types of traffic offences e.g. speeding, parking and bus lane violations etc., any fines, prosecutions and penalties remain the responsibility of the driver.

An investigation should be undertaken to determine the extent of any offence and consideration may need to be given to the application of other Council procedures e.g. capability or disciplinary procedure and/or whether other actions should be taken e.g. further training or removal from driving duties.

### **Defect Reporting**

All City Council vehicles including Large Goods Vehicles are maintained to meet roadworthiness and Operators Licence regulations. From time to time vehicles can become defective and potentially unroadworthy.

Drivers of City Council vehicles must ensure they carry out a daily vehicle check before using the vehicle and driving it on the public highway. It is the driver's responsibility to ensure the vehicle they drive is in a roadworthy condition. Where defects are found, these must be reported to fleet services for further inspection and repair, and a copy of the defect report form should be forwarded to their manager or supervisor.

Where a vehicle breaks down or becomes defective during a journey, the driver should stop when it is safe to do so and contact their supervisor or manager to inform them, so that assistance from Fleet Services can be obtained.

Should a driver, drive a vehicle in an unroadworthy condition, without informing their supervisor, manager or seek assistance from Fleet Services to ensure the vehicle is fit for use, they could be liable under the graduated fixed penalties legislation when stopped by a traffic examiner and the vehicle is found to be defective.

### Driver Review Meetings

A driver review meeting will be convened at the manager's discretion following incidents that result in injuries, near misses or endorsements. The review meeting will comprise of the appropriate manager with knowledge of the driver's previous history and attitude, and where appropriate, a senior representative from the Occupational Health, Safety and Wellbeing Service, and Insurance Services and the driver. The driver may request Trade Union support.

### Alcohol / Drug Awareness

The problems of driving whilst under the influence of alcohol and drugs are well documented. Each directorate is required to have in place an 'Alcohol Policy', which deals effectively with the consumption of alcohol during hours of employment, and these policies must be strictly adhered to. The City Council's disciplinary procedures deem the consumption of alcohol during working hours and being incapable of safely performing normal duties due to the influence of alcohol or other drugs, as gross misconduct.

If an individual is taking prescribed or 'over the counter' medication which could affect their ability to drive a vehicle safely, they must refrain from driving for or on behalf of the City Council until they either, no longer require the medication; the medication has been changed to one that does not affect the ability to drive or they have been cleared as fit to drive by their GP and the City Council's Occupational Health Service. GP clearance must be obtained in writing and presented to the manager or supervisor, who will be responsible for consulting the Occupational Health Service for advice. Failure to notify management or failure to comply with the requirements of this policy will be deemed to be 'gross misconduct'. **In pursuance of such policies, this Driving Policy clearly re-affirms that employees must not drive under the influence of alcohol or drugs.**

### Smoking

It's is against the law, and against Council Policy to smoke in council vehicles. All drivers should be aware of the City Councils No Smoking Policy and be aware of the consequence of non-compliance.

### Application of this Policy on External Contractors

As with many of the City Council's policies and procedures there is a requirement for external contractors to comply with this document by either adopting it or having in place a policy of their own which meets or goes beyond the required criteria. Confirmation of this needs to be included within any relevant procurement arrangement/documentation.



# SUPPORT INFORMATION

## Key contacts

Chris Coyle Fleet Management on **024 7683 2896** or e-mail [chris.coyle@coventry.gov.uk](mailto:chris.coyle@coventry.gov.uk)

Human Resources on **024 7683 2454** or e-mail [hradvice@coventry.gov.uk](mailto:hradvice@coventry.gov.uk)

Occupational Health, Safety and Wellbeing Service on **024 7683 3285** or e-mail [ohc@coventry.gov.uk](mailto:ohc@coventry.gov.uk)

## Related documents

[Council guidance](#)  
[Driver Recruitment Checklist](#)  
[Driver Signed Declaration](#)  
[Driver Handbook](#)  
[Driver Pocket Guide](#)  
[First Aid Policy and Guidelines](#)  
[Educational Visits Policy](#)

## Links to City Council forms, guidance and procedures

[Guidance Note – Minibus Licencing](#)  
[Guidance Note for Alcumus Info Exchange](#)  
[Process flowchart – Motor Incidents](#)

## HSE and other guidance

[INDG382 – Driving at work \(Managing work - related road safety\)](#)  
[Health and Safety Executive work – related road safety homepage](#)  
[Health and Safety Executive vehicles and transport safety at work homepage](#)  
[HSG 136 ‘Workplace transport safety: An employer’s guide](#)  
[Driver CPC Guidance](#)  
[Graduated fixed penalties Notices Guidance](#)  
[Outdoor Education Advisers’ Panel National Good Practice Guidance](#)  
[Section 4 - Planning and Preparation](#)  
[Section 5 – Transport](#)  
[Application for a Section 19 Permit](#)



# Glossary of Terms

**‘Supervisor’:** - Anyone having direct responsibility for other employees e.g., line manager, head teacher etc.

## **‘Competent Person’:**

- **For all Type ‘1’ drivers ‘driving ability assessments’:** a Competent Person is an appropriately qualified individual
- **For the purpose of vehicle familiarisation:** a competent person is an individual who has sufficient knowledge and experience to perform an assessment of driving ability relating to the class of vehicle to be driven and has attended the required Defensive Driver Training Course or equivalent
- **For the purpose of child restraints etc.:** a person who has sufficient knowledge and expertise to check that these seats are of sound construction and free from defects
- **‘Defensive driving courses’:** includes any Coventry City Council approved driving course e.g. Defensive Driving Course and Approved Minibus Defensive Driver course e.g. MIDAS

**‘Driver types and Responsibilities’:** Can be found on [page 4](#)

**‘Approved training provider’:** These instructors will be Approved Driving Instructors (ADI), registered with the Driving Vehicle and Standards Agency.

**‘Driver details records’:** A record (preferably electronic), held by managers which records the date and details of the drivers documentation checks.

**‘Driver Log Book’:** A pre-printed form that needs to be completed by City Council drivers on a daily basis, which records details of the daily vehicle checks.

**‘The “O” licence’:** The City Council holds a Department of Transport Goods Vehicle Operators Licence, which regulates the operation of all goods vehicles over 3500Kgs kerb side weight, and has an effect on a number of other vehicles including minibuses. This licence is often referred to as the “O” licence.

**City council vehicle:** Includes fleet vehicles (including those hired) and any other vehicle owned or operated by a City Council establishment, e.g.: - a school minibus.”

**‘First Aider’:** Someone who has undergone a training course in administering first aid at work and holds a current First Aid at Work certificate. The training has to have been approved by an approved training provider. The Occupational Health Service provides this training to the standard required by the City Council and further guidance can be found in the City Council’s First Aid Code of Practice.

**‘Appointed Person’** - An appointed person is someone nominated to: take charge when someone is injured or falls ill, including calling an ambulance if required and look after the first-aid equipment, e.g. re-stock the first aid box. An appointed persons should not attempt to give first aid for which they have not been trained. Short emergency first aid training courses are available for this purpose.

## Guidance Note – Minibus Licencing

In accordance with the City Council's Health & Safety Policy Document, and the advice received from the DVLA and DfES, this Council has agreed a best practice approach to the attainment of D1 category on all City Council minibus driver licences. Those Category B licence holders may continue to drive minibuses, provided the vehicle concerned falls below the threshold for D1 requirement, (i.e. 3500 Kgs or 4250Kgs if fitted with specialist passenger equipment.). Minibuses in excess of 3500 Kgs. must be driven by drivers possessing Type D1.

It should be noted that the majority of newly designed and manufactured minibuses now incorporate a specification that exceeds 3500 Kgs. The person responsible for the management and driver allocation of a vehicle must ensure that all drivers possess the correct licence category for the type of vehicle to be driven.

For advice and information on obtaining a Section 19 Permit, please contact the Fleet Office on **024 7683 2147** or by e-mail at [fleetmanagement@coventry.gov.uk](mailto:fleetmanagement@coventry.gov.uk)

All minibuses operated under the Section 19 Permit system, must be kept in a fully road - worthy condition, they must be correctly maintained and subject to formal safety inspections in accordance with the relevant guidance. Failure to comply with these requirements could affect the City Council "O" Licence.

Any City Council establishment operating minibuses under a Section 19 Permit, where the operation of the vehicle is found to be in breach of the requirements of the "O" Licence or this Policy (e.g. vehicle condition, daily inspection prior to use, drivers hours, formal safety inspections etc.) must withdraw the vehicle from service immediately. The vehicle must remain out of service until all issues are resolved and the vehicle operation is found to be in compliance. Failure to comply may result in further action being taken including disciplinary action.

Any external organisation operating a minibus under a Section 19 Permit issued by the City Council will also be required to comply with the requirements of the City Council "O" Licence and the requirements of this Policy. Failure to comply with these requirements may result in the organisation being prevented from hiring City Council vehicles in the future.

## Contacts

### Key Contacts

#### Chris Coyle Fleet Management

024 7683 2896 or e-mail [chris.coyle@coventry.gov.uk](mailto:chris.coyle@coventry.gov.uk)

### Human Resources

024 7683 2454 or e-mail [hradvice@coventry.gov.uk](mailto:hradvice@coventry.gov.uk)

### Occupational Health, Safety and Wellbeing Service

024 7683 3285 Option 1 Occupational Health, Option 2 Health and Safety  
or e-mail [ohc@coventry.gov.uk](mailto:ohc@coventry.gov.uk)

If you need this information in another language or format please contact Health and Safety on 024 7683 3172.