

Finance and Resources Committee

3.00pm, Tuesday 4 December 2018

Driving for the Council Policy

Item number	8.4
Report number	
Executive/routine	
Wards	
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Executive Summary

Following the Glasgow bin lorry crash in December 2014 a Fatal Accident Inquiry (FAI) was undertaken by Sheriff John Beckett QC who produced 19 recommendations, these have all been considered when drafting this new policy.

Internal Audit also undertook a review of the guidance that is currently in place and made several recommendations which were then reviewed and management actions were agreed by the relevant senior officers. These findings were submitted to the Governance Risk and Best Value committee on 25 September 2018 by Internal Audit. These have also been considered within this new policy.

The City of Edinburgh Council has always operated within strict guidelines in relation to the management of driving on behalf of the Council and this guidance has now been formalised within a Council policy.

Driving for the Council Policy

1. Recommendations

- 1.1 This report recommends committee approve the new Driving for the Council Policy.

2. Background

- 2.1 The Council has always operated within strict guidelines in relation to the management of driving on behalf of the Council and this guidance has now been formalised within a Council Policy.
- 2.2 Along with the existing guidance, consideration has been given to the sheriff's recommendations following the FAI into the Glasgow bin lorry crash in 2014.
- 2.3 A review of the existing guidance was also undertaken by internal audit who proposed several recommendations, which were reviewed, with management actions being agreed by senior officers. These management actions have also been considered when drafting this policy.
- 2.4 The current guidance only applied to those colleagues who drove a Council vehicle and there was a separate process for colleagues who used their own vehicle for Council business. The new policy looks to set out requirements for all groups of drivers.
- 2.5 Pre-employment fitness checks are undertaken for all drivers, however the process for new HGV drivers has been reviewed and updated.

3. Main report

- 3.1 The guidance that existed in relation to the management of driving on behalf of the Council has been updated and formalised, with key responsibilities identified to clarify both individual and organisational responsibility for each action that relates to driving.
- 3.2 The purpose of this new policy is to enable the Council to meet its obligations to ensure compliance with the statutory legal requirements whilst protecting our colleagues as far as is reasonably practicable from all occupational road risks associated with work related driving.
- 3.3 The new policy will increase colleague awareness of both legal and safety issues associated with work-related driving risks.

- 3.4 It will ensure that risk in relation to work-related driving is assessed in a systematic and ongoing way, and that reasonable systems and methods of work are in place to reduce the risk as far as is reasonably practicable.
- 3.5 An element of the new policy is to ensure that appropriate training is available to colleagues, that equips them to operate the vehicles in a safe and compliant manner and recognise risks.
- 3.6 The policy will also ensure that appropriate support is available to colleagues involved in work-related driving incidents.
- 3.7 The driving licence checking process undertaken by Fleet Services before issuing a driver permit to allow authorisation to use Council vehicles will now apply to all drivers, regardless of whether they drive a Council vehicle or their own vehicle (Grey Fleet).
- 3.8 Grey fleet drivers will also be required to provide appropriate documentation relating to the Ministry of Transport (MOT) certificate and insurance cover for their vehicle.
- 3.9 Grey Fleet users will be reduced, as a driver permit will only be issued where the vehicle is being used on a consistent basis to meet the demands of the specific role. Colleagues who use their vehicle on a one off, rare or non-service demand occasions will be asked to consider other modes, e.g. public transport, pool or fleet car.
- 3.10 All new HGV drivers will require to provide written confirmation from their General practitioner (GP) regarding their fitness to drive with existing HGV driver's fitness checked in line with the Driver and Vehicle Licensing Agency (DVLA) standards.

4. Measures of success

- 4.1 A reduction in grey fleet users, which may result in a reduction in our carbon footprint.
- 4.2 One process for all drivers ensuring a more stringent streamlined process.
- 4.3 Increased level of checks for new HGV drivers protecting both colleagues and the Council.
- 4.4 Greater compliance with statutory legal requirements by providing clarity of roles of responsibilities and accountability.
- 4.5 Increase in awareness of legal and safety issues related to driving.

5. Financial impact

- 5.1 There is no material impact resulting from this policy.

6. Risk, policy, compliance and governance impact

- 6.1 Increased scrutiny of pre-employment medical checks for HGV drivers by requesting they provide GP certification regarding their fitness to drive prior to any offer of employment being made.
- 6.2 Clarity around the responsibility for reporting of driving incidents.
- 6.3 Clear responsibilities outlined to ensure compliance with the legal and safety requirements for those associated with driving on behalf of the Council.

7. Equalities impact

- 7.1 Reasonable adjustments will be considered for all employees required to undertake driver duties and also agreed in accordance with the Equality Act 2010.
- 7.2 Medical redeployment will be sought in appropriate circumstances.

8. Sustainability impact

- 8.1 The proposals in this report may reduce carbon emissions with tighter controls over the use of grey fleet and the promotion of more sustainable modes of transport that will bring reduced carbon dioxide and nitrogen oxide emissions.

9. Consultation and engagement

- 9.1 The Trades Union feedback has been considered in line with our audit requirements when developing this policy.
- 9.2 The Policy was developed in partnership with Human Resources and Fleet Services. Feedback was also sought from the Council's Occupational Health provider and Health and Safety and Insurance.

10. Background reading/external references

- 10.1 A [summary](#) of the Determination by Sheriff John Beckett QC following the Glasgow Bin lorry Fatal Accident Inquiry (FAI).
- 10.2 [Internal Audit report](#) submitted to GRBV committee on 25 September 2018.

Stephen S. Moir

Executive Director of Resources

Contact: Katy Miller, Head of Human Resources

E-mail: katy.miller@edinburgh.gov.uk | Tel: 0131 469 5522

11. Appendices

Appendix 1 – Driving for the Council Policy

Driving for the Council Policy

The Council (we) are committed to achieving continuous improvement in all standards connected with transport operations. The Council will seek to reduce the risks associated with employees driving on work related matters.

This policy has been designed to encourage safe driving practices and behaviour. In addition, Council vehicles due to their markings will attract scrutiny from other road users. It is important that our drivers recognise that it is essential that our vehicles are always driven courteously and within both current legislation and the Highway Code. Our vehicles provide a visible presence of the Authority across the City and as such provide opportunities to enhance the reputation of the Authority.

This policy sets out the Council's expectations of its drivers meeting the provisions required under the road traffic, and health and safety legislation: The Road Traffic Act 1988; The Road Vehicle (Construction and Use Regulations 1986 (as amended); the Health and Safety at Work etc. Act 1974; The Management of Health and Safety at Work Regulations 1999 (as amended).

Author

Employee Relations, Human Resources, Resources Directorate. Fleet Services, Transport, Place Directorate

Scope

This policy applies to all Council employees.

Purpose

The purpose of this policy is to enable the City of Edinburgh Council to meet its obligations to ensure compliance with the statutory legal requirements whilst protecting our colleagues and third parties, so far as is reasonably practicable, from all occupational road risks associated with work related driving.

This policy aims to:

- clarify colleague and organisational responsibility;
- increase colleague awareness of both legal and safety issues associated with work-related driving risks;
- ensure that risk in relation to work-related driving is assessed in a systematic and ongoing way, and that reasonable systems and methods of work are in place to reduce the risk as far as is reasonably practicable;
- ensure that appropriate training is available to colleagues, that equips them to operate the vehicles in a safe and compliant manner and recognise risks.

ensure that appropriate support is available to colleagues involved in work-related driving incidents.

Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of: changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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1. Policy Content

We will carry out appropriate fitness to drive checks in partnership with our Occupational Health provider for both, current colleagues and prospective candidates prior to the issuing of a conditional offer of employment. Other mandatory checks include:

- New HGV drivers will be required to provide confirmation from their GP of their fitness to drive.
- Current HGV drivers over the age of 45 will require a medical check every 5 years to coincide with the renewal of their license, increasing to annually for those over the age of 65.

We will work in partnership with our agency worker provider to ensure that all relevant medical checks are undertaken by the agency prior to the offer of work.

We will ensure anyone driving on behalf of the council will have the appropriate license to carry out their roles and that this documentation is checked and recorded.

We will ensure that where drivers are operating within EU driving limits, e.g. using a Tachograph, their driving hours are recorded and regularly monitored to ensure compliance with relevant legislation.

We will undertake routine and pro-active work-related driving risk assessments for all driving activities.

We will provide colleagues with the knowledge and skills required to use the operational functions of specific Council owned or leased vehicles, to prevent and manage work-related driving risks.

Employees who are HGV passengers, will receive basic training on the operation of HGV vehicles, relating to the steering and braking mechanisms of the vehicles.

We will undertake driver assessor training as and when required before issuing a driving permit.

We will provide training to HGV drivers every 5 years to ensure they receive the appropriate Certificate of Professional Competence (CPC).

We will monitor driving performance through key performance indicators set by the services.

We will issue Council Vehicle Permits to colleagues accordingly as below:

- For Colleagues driving Council owned or leased vehicles, a permit will only be issued once a driver's license has been validated as per that vehicle category.
- For Colleagues driving their own vehicles, (Grey Fleet), a permit will only be issued where the vehicle is being used on a consistent basis to meet the demands of their specific role. The colleague's driver's license, MOT certificate and correct insurance type (for each vehicle used) will be validated before a permit is issued.

We will perform relevant checks on all licenses, at set frequencies as outlined in the user guide.

We will reserve the right to withdraw an offer of employment to any new candidate who has endorsements totalling 9 points or more.

Gross misconduct under the Disciplinary Code includes 'conviction for any criminal or road traffic offence, which makes an employee unsuitable for continued employment' and any such conviction may result in dismissal under the disciplinary procedure.

We will undertake incident investigations following any reported driving related incident; this may lead to the colleagues driving capability being assessed and result in retraining. In addition, disciplinary action may be considered in line with the Council's disciplinary procedure.

We will ensure all Council owned and leased vehicles are roadworthy and fit to drive in accordance with transport legislation.

We will source and purchase or lease HGV's which have Advanced Emergency Breaking System (AEBS) fitted, whenever it is reasonably practicable to do so.

We will comply with requirements and obligations of our Operators Licence which is granted to the Council by the traffic commissioner.

Council owned and leased vehicles will only be used to carry goods and passengers on authorised journeys.

All drivers using vehicles for Council business (whether owned or leased by the Council or privately owned) will be driven in accordance with the Highway Code.

All drivers must recognise that they are most at risk when they are distracted or fatigued. It is essential that where you have a responsibility to drive that you make every effort not to be distracted by other tasks or persons. In addition, if your ability to drive is impaired through fatigue that this is reported to your manager at the earliest opportunity.

In accordance with relevant legislation, colleagues are prohibited from:

- Driving under the influence of alcohol or drugs. This includes prescription medication where the supporting medical information indicates that the medication may have an impact on ability to drive. Where drivers feel unwell they should consider their responsibility under this policy and assess whether they are fit to drive.
- Holding and/or using a hand-held mobile phone or similar device whilst driving. Drivers must also be aware of the distraction effect of 'hands free' devices.
- Smoking in a Council owned or leased vehicle or a private vehicle being used for Council purposes where others are passengers.

Colleagues who are in breach of the above risk a criminal prosecution and/or fined, and in addition, could be subject to disciplinary action taken in line with the Council's disciplinary procedure.

2. Roles and Responsibilities

Colleagues:

- Must inform their line manager and DVLA of any new medical condition or disability that would affect their ability to drive immediately. This will also apply for existing conditions where there is deterioration.
- Will be expected to attend any appropriate fitness to drive checks by our Occupational Health Provider.

- Are responsible for ensuring they have the appropriate vehicle licence and comply with the licence conditions.
- Who are Grey fleet users must provide a valid MOT certificate and insurance document relevant to their vehicle type.
- Who are operating within EU driving limits, where required (e.g. tachograph), must record and download all driving hours in line with legislation.
- Must ensure that they are familiar with the contents of the driving risk assessment, and are responsible for carrying out a dynamic driving risk assessment when required.
- Are responsible for ensuring daily checks are completed on vehicles prior to use.
- Must ensure that the vehicle is secured when not in use and no keys are left in the vehicle.
- Must only carry goods and passengers on authorised journeys.
- Will be responsible for payment of any fines arising from contravention of traffic regulations incurred whilst driving on Council business.
- Must ensure they are aware of the maximum loads applicable to their vehicle and ensure that these are not exceeded.
- Must ensure that flammable substances do not exceed 5 litres. Where flammable substances are transported, the vehicle must carry an appropriate 2kg fire extinguisher.
- Must ensure that all loads are distributed evenly on their vehicle and ensure the safety and security of the load.
- Must ensure that when a Council owned or leased vehicle is left unattended it is properly secured.
- Must report any occurrence or issue which may have an effect on their legal right to drive or place in question their entitlement to drive i.e. criminal, or Traffic Commissioner ruling.
- Must report to their line manager, any incidents, near misses and incidents Immediately in accordance with this policy and relevant transport legislation.
- Will drive on Council business in an appropriate and lawful manner in accordance with the highway code, without unduly putting themselves, the public, or other road users at risk.
- Must attend training in accordance with this policy or the relevant transport legislation.
- Must ensure that they are not distracted by other tasks or persons whilst driving.
- Should ensure that if your ability to drive is impaired by fatigue that you take the appropriate rest breaks.

Line Managers:

- Must ensure that appropriate fitness to drive has been obtained from our Occupational Health Provider or via the agency provider prior to any offer of employment being made or agency staff starting with the Council.
- Prior to appointing them to a role, should ensure that all new HGV drivers have provided a letter from their GP regarding their fitness to drive. The prospective candidate must be advised in the conditional job offer the requirement to obtain a GP certificate before being provided with a start date.
- Will liaise with Fleet Services to ensure pre-employment licence checks for any new candidates have been obtained prior to offer of any employment.
- Must ensure that driving risk assessments are carried out for all driving activities.

- Must ensure incidents and near misses are fully investigated, recorded on the SHE Assure system and reported promptly to Fleet Services.
- Must ensure driving hours are monitored and reviewed to ensure they are not breached and that driving incidents should be investigated and appropriate action taken.
- Must ensure all drivers are aware of the guidelines and timescales with respect to licence renewal.
- Must prevent any driver from driving when informed by Fleet Service of an issue.
- Will monitor colleagues to ensure pre-use daily vehicle inspections are undertaken by drivers.
- Will monitor colleague's fitness to drive. Where a condition is identified which would affect a colleague's ability to drive, all relevant information relating to the condition should be passed to Occupational Health for appropriate recommendations.
- Must not allow any colleague to drive following a period of sickness absence where the condition could impact their colleague's ability to drive until a and Return to Work Interview is completed.
- Will undertake routine and pro-active risks assessments related to work-related driving risks.
- Will take appropriate action in line with the Council's disciplinary procedure (where appropriate) should a colleague be subject of a criminal investigation relating to driving, e.g. suspension from driving.
- Should eliminate the need for unnecessary journeys where possible by appropriate planning of routes and by ensuring that more sustainable forms of transport cannot be used to undertake the journey (e.g. walking/cycling/use of public transport).

Fleet & Workshops Manager:

- Will ensure, through internal control, that all Council owned and leased fleet vehicles are maintained to manufacturer/VOSA recommendations or above.
- Must ensure that the Council complies with the requirements and obligations of its Operators Licence which is granted to the Council by the traffic commissioner.
- Will manage a Driver permit and licence checking scheme for all colleagues who drive on council business.
- Will assess each new candidate's licence endorsements to determine whether a driving permit can be issued.
- Must ensure vocational driving hours are monitored and reviewed to ensure they are not breached and that driving incidents should be investigated and appropriate action taken.
- Will work with service managers to support and promote responsible and safe driving.
- Will issue an annual communication to all drivers reminding them of the requirement to disclose any additional driving hours that are not recorded on Tachograph cards.
- When sourcing, and purchasing or leasing HGV's, will ensure that these vehicles have AEBS fitted whenever it is reasonably practicable to do so.
- Will undertake driver assessor training for any new drivers before issuing a driving permit.
- Will provide basic training to non-HGV drivers in relation to the steering and braking mechanisms or arrange for this to be provided.
- Will provide training to HGV drivers every 5 years to ensure they receive the appropriate Certificate of Professional Competence (CPC).
- Will provide colleagues with the knowledge and skills required to use the operational functions of specific Council owned or leased vehicles, to prevent and manage work-related driving risks.

- Will provide quarterly analysis of driving incidents to service areas.

Heads of Service:

- Will take into account the potential for the presence of exceptional numbers of pedestrians at particular times of the year with regard to the use of HGV's.
- Will review all complaints recorded on the system monthly, to ensure timescales are being met and complaints are being responded to appropriately and timely.
- Will ensure the requirements of this policy are implemented across their area of responsibility.
- Will ensure that all colleagues are reminded to drive safely and poor driving behaviours are addressed.
- Will ensure, through performance indicators, that there is a system for monitoring driver performance and identifying any trends.
- Will ensure investigations are carried out for all driving related incidents.
- Will ensure all near misses and incidents are investigated fully and reports compiled and shared with Fleet Services and agreed recommendations for improvement developed.
- Will monitor quarterly driving incident reports to determine any recurring themes which will then be incorporated into driver training.
- Will contribute to biannual reports to Council Leadership Team (CLT) on driving incidents containing relevant actions taken.

Chief Executive and Executive Directors:

- Will promote a positive risk awareness culture throughout their Service.
- Will provide adequate resources for implementing this policy.
- Will monitor driver and fleet related incident rates and performance indicators as part of the Directorate's risk management monitoring programme.
- Will ensure driver and fleet compliance is given adequate attention by Service Managers.
- Will communicate expectations regarding the management of driver and fleet compliance to Service Managers.

Appendix 1 – Definitions

Term	Meaning
AEBS	Advanced Emergency Braking System
Driving Licence	A document permitting an individual to drive a motor vehicle on the highway or on public roads
Driving Permit	A document issued by Fleet Services specifying the types of vehicle that you can drive on behalf of the Council
DVLA	Driver and Vehicle Licencing Authority
Endorsements	A note on a driving licence recording the penalty points incurred for a driving offence
Grey Fleet	Any vehicles that do not belong to the Council, but which are used for business travel
HGV	Heavy Goods Vehicle
Highway Code	The Highway Code is a collection of guidance and mandatory rules for all road users in the United Kingdom.
Non-professional Drivers	Colleagues who drive Council vehicles that are not PSV/HGV accredited
Operator's Licence	A specific licence to operate vehicles above 3.5 tonnes gross vehicle weight that are used to carry goods on public roads for trade or business purposes.
Professional Drivers	Colleagues who require a PSV/HGV Licence
PSV	Public Service Vehicle
SHE Assure System	Council Health & Safety incident reporting system
Tachograph	A device fitted to a vehicle that automatically records its speed and distance, together with the driver's activity
Traffic Commissioner	The agency responsible for licensing and regulating operators of heavy goods vehicles (HGVs), public service vehicles (PSVs) and local bus services
VOSA	Vehicle and Operator Services Agency