The Road Traffic Act 1988 and The Highway Code set the standards required of all drivers and riders, and all employees are expected to be compliant with their responsibilities. Employees are reminded that any breach of road traffic legislation whilst driving for work, including driving a vehicle illegally, or in an un-roadworthy condition is a personal liability and not a KCC liability.

This guidance applies to:

* Employees
* Using their own vehicle(s) for business either as an essential or casual user.
* Using their own motorcycle or bicycle.
* Required to drive a council owned/leased vehicle as part of their duties.
* Who have been provided with a council owned/leased vehicle as part of their terms and conditions of employment.
* Travelling on public transport for council business.
* Who travel abroad on KCC business.
* Any contractor, agency staff or volunteer using a KCC vehicle or transporting KCC clients/employees.

Lease and fleet car drivers are subject to the requirements set out in their fleet lease contract which includes the procedures for maintenance, servicing, and reporting accident damage.

**What is ‘driving for work?’**

Driving for work is using any vehicle for KCC business. This may be your own car, motorcycle or bicycle, or a fleet/pool/hired vehicle to travel to a different place other than your usual place of work. It also includes driving minibuses to transport people using our services, and those using their own vehicles for the same purposes, as well as use of other KCC owned vehicles.

**Aims**

* Help recognise, reduce, and deal with the risks posed to employees and third parties while they are travelling on KCC business.
* To reduce accidents/incidents by considering alternatives to travelling on KCC business.
* To minimise financial costs by reducing mileage and occupational road risk.
* To reduce the impact on the environment by agile working leading to a reduction in mileage.

**Objectives**

* To promote agile working allowing employees to consider whether journeys can be avoided or reduced by using alternative methods of communication.
* Planning meetings geographically will minimise occupational road risk by reducing travel time and fatigue.
* Reduce budget spend due to decrease in mileage expenses.
* Adjust the organisation’s culture by encouraging a positive attitude towards agile working and environmental impact.
* To encourage a positive attitude towards safer travelling for work for the health, safety, and welfare of road users.
* To help managers and employees assess travel-related risks and take steps to control them.
* To clarify the responsibilities and expectations required of individuals who travel in association with their work.

The environmental impacts of travelling for work must be addressed in line with KCC’s Environmental Policy. It is important all employees take occupational road risk seriously, so that the causes of road related deaths, injuries, and damage to vehicles and other property/assets are foreseen and contained before any damage or harm occurs.

**Managers’ responsibilities**

Heads of service and anyone with management responsibility must ensure this guidance is implemented in all business units/teams for which they have overall responsibility by:

* Advocating a change in culture by engaging with individuals/teams to eliminate or reduce the necessity for travel. This can be achieved by considering alternative methods of communication or planning meetings geographically minimising occupational road risk by reducing travel time and fatigue.
* Ensuring occupational road risk assessments are carried out for teams and/or individuals; putting in place any control measures to eliminate/reduce the risk of harm to the lowest level reasonably practicable (see Appendix B travelling for work risk assessment prompt sheet for guidance).
* Asking individuals to acknowledge their comprehension of this guidance and its contents and circulate the occupational road risk assessment to employees as appropriate.
* Ensuring all travelling for work accidents/incidents are monitored, reviewed, and recorded using KCC’s online reporting system – an online HS160 investigation form should be completed when necessary.
* Monitoring mileage expenses to ensure reduction in budget spend.
* Ensuring an initial and continuing programme of health and safety awareness is undertaken by all employees who drive or ride on council business.

In practice, these responsibilities may be carried out through directing others within the management chain of their service. However, Heads of Service remain ultimately responsible for ensuring those persons with delegated responsibility carry out the requirements in full. Managers will therefore need to actively monitor that the required actions are being undertaken on their behalf.

Any manager that has delegated responsibility for managing occupational road risk must escalate any issue that cannot be resolved locally to their service head immediately.

**Employee responsibilities**

Drivers are legally responsible for their own actions on the road and for keeping to all traffic regulations.

Anybody driving a vehicle on KCC business has a responsibility to ensure that the vehicle being used is safe and roadworthy, and vehicles are operated in accordance with this guidance. All employees have a duty of care towards those people not in KCC’s employment, who may be affected by work activities e.g. visitors, people using our services and members of the public or contractors.

All employees will be responsible for all fines relating to speeding, parking, and Road Traffic Act offences they have committed. The employee will be responsible for legal costs if prosecuted for a road traffic offence.

Employees must ensure they:

* Notify their car insurance company if business use, and child passenger (if applicable) cover is required before driving on work-related KCC business.
* Hold a valid licence for the class of vehicle used.
* Have an up-to-date MOT certificate and road tax for their own vehicle.
* Adhere to the control measures in the occupational road risk assessment.
* Eliminate or minimise, to a reasonable level, occupational road risk by only driving for work when necessary and where it cannot be avoided after consideration of other methods of communication e.g. using Microsoft Teams.
* Plan meetings geographically to minimise occupational road risk by reducing travel time and fatigue.
* Tell their manager if they are reported, charged, or convicted of any endorsable offence including fixed penalty notices.
* Keep their training records up to date on self-service to prove they have received all relevant training, if required, relating to driving for work.
* Have all the relevant information to use the vehicle, and any equipment associated with it.
* Where appropriate comply with the relevant drivers’ hours and working time regulations.
* Ensure the vehicle that they are using is roadworthy before driving for work.
* Tell the relevant authorities i.e. Driver and Vehicle Licensing Agency (DVLA) and manager if their health or anything else affects their ability to drive.
* Report all KCC work-related driving accident/incidents, near misses or public transport incidents on the online HS157 accident/incident form, and forward to their line manager.
* Show courtesy and consideration for other road users and not behave in an aggressive or inconsiderate manner whilst driving.
* Do not use a hand-held mobile and avoid using a hands-free kit when driving your vehicle.
* Always comply with The Highway Code, and the Road Traffic Act 1988.
* Do not drive under the influence of alcohol or any medication/drugs which may cause drowsiness or affect judgement.
* Ensure everyone in the vehicle wears a seatbelt.
* Escalate to their manager/head of service any occupational road risk issues they notice that cannot be resolved locally.
* Plan-ahead when using public transport for work-related business.
* Wear a helmet and high visibility safety clothing when cycling or riding a motorbike.
* Check that your insurance will be valid, and the requirements needed when travelling abroad for each specific country.

If you are in any doubt about your responsibilities, please speak to your line manager.

**Agile working**

A more flexible and agile workforce is encouraged by KCC as part of the ‘business change’ programme for premises use, new information technology and culture adaptation. To enable change employees should consider working differently by engaging with opportunities and technology available to improve safety by eliminating or reducing occupational road risk.

Elimination: is the journey necessary or can it be avoided by using an alternative method of communication e.g. Microsoft Teams provides telephone contact and teleconferencing with multiple people.

Minimisation: planning meetings geographically will minimise occupational road risk by reducing travel time and fatigue.

Both will have a significant impact on the environment and budget spend due to a decrease in mileage expenses and vehicle exhaust emissions.

**Risk assessing driving for work**

An occupational road risk assessment must be undertaken by managers to ensure risks to employees and third parties have been considered and appropriate control measures are in place to reduce the risk of harm to the lowest level reasonably practicable. This risk assessment should be circulated to all employees who undertake travelling for work activities and they must be reviewed annually, or earlier if circumstances change, or if there has been a significant accident/incident. See Appendix B travelling for work risk assessment prompt sheet for guidance.

Factors to consider when carrying out a generic occupational road risk assessment include:

* driver competence
* driver fitness/medical conditions
* reliability/suitability of vehicle
* vehicle breakdowns
* weather conditions
* handling/securing loads
* road conditions and journey routes
* lone working
* high-risk locations
* isolated parking facilities
* driving unfamiliar vehicles
* transporting passengers
* convictions/points on licence
* attitude to road risks
* journey planning
* occupational health issues: ergonomic factors, musculoskeletal disorders, eyestrain
* vehicle/property security: theft, malicious damage, arson.

A specific occupational road risk assessment should be undertaken if driving risks are over and above the normal circumstances, for example:

* There is a change in the driver’s health.
* Transporting service users or pupils who may display challenging behaviour.
* Driving a minibus or unfamiliar vehicle.

All risk assessments should be monitored and reviewed regularly to ensure the control measures in place continue to be adequate. Following a collision/incident all risk assessments must be reviewed as part of the investigation process to minimise the possibility of a reoccurrence.

All drivers should consider the situation before beginning any journey. This should include assessing the condition of the vehicle, weather conditions and route, and their own fitness before the undertaking the journey. The travelling for work driver pre-journey checklist (Appendix A) will assist with this.

**Driving - managing the risk**

* **The journey**

Prior to commencing any journey make sure that there is a clear business need for the journey to be made. Where possible ask yourself if the journey is necessary and could other forms of communication be possible e.g. emails, Microsoft Teams (videoconferencing, telephone calls). Public transport should be considered as an alternative after consultation with your manager (see section on public transport below). When planning a journey, the following factors must be considered:

* Can meetings be geographically grouped to reduce traveling time - minimising mileage, fatigue, and occupational road risk.
* Driving and other work carried out immediately prior to a journey can influence your driving capability. This can cause a build-up of fatigue and arduous journeys must be avoided after long periods of work.
* It is the driver’s responsibility to plan the journey including rest breaks and take account of weather/traffic conditions.
* Are 2 drivers needed if driving a long distance?
* Think about the time of day when journeys are planned; driving at dusk or at night may require more concentration and can consequently be more tiring.

Budget restrictions or ‘job finish’ regimes must not encourage managers/drivers to disregard traffic laws or KCC’s policies, procedures, and guidance. If using a Satellite Navigation System (Satnav) all drivers should input their destination before setting off, and if they need to change it stop in a safe place to do so.

* **Driver checks**

A full UK (or internationally recognised) driving licence will identify what class of vehicles employees are licensed to drive on public roads.

The Driver and Vehicle Licensing Agency (DVLA) offer a free online service where you can view your own driving licence information i.e. penalty points, other vehicles you can drive, or share your driving record with someone by providing your driving licence number and ‘check code’. KCC managers can use this tool to ensure an employee’s driving licence is valid e.g. the vehicles they can drive, identify any penalty points or disqualifications. In cases where documentation is not in line with requirements the employee should not be allowed to drive on behalf of KCC.

* **Driving standards and training**

Training requirements will differ depending on the job role, type of vehicle driven (e.g. van or minibus), specific driving undertaken on behalf of KCC and manager’s discretion as to who attends. Individual job descriptions describe the main duties and responsibilities for positions, and the person specification indicates the minimum level and type of training required. Line managers must ensure anyone driving on KCC business has received the appropriate training and information required for their role.

* **Safer drivers**

Careful consideration should be given to factors that may affect driver safety:

* driving in the dark
* weather conditions
* potholes and damaged road surfaces
* tailgating and reckless driving
* fatigue and health.

Road user behaviour is the primary cause of personal injury crashes; generally, the four main behaviour choices (the Fatal 4) that lead to road casualties are:

* driver distractions (most commonly mobile phone use)
* inappropriate speed
* impaired by drink or drugs
* non-wearing of seatbelts.

In addition to the Fatal 4, fatigue and health are two other key factors that affect driver safety and require efficient management.

* **Speed**

The choice of speed drivers make can have a huge consequence for the severity of a road crash – the faster you travel, the harder you hit and the more damage you will do.

Posted speed limits are the legal maximum and should not be treated as a target speed or an indication that the limit is safe for all situations.

* **Alcohol**

It is an offence to drive, attempt to drive or be in charge of a vehicle when above the prescribed drink drive limit. Even small amounts of alcohol (i.e. below the legal limit) will affect your ability to drive safely including impaired vision, reaction times and the ability to judge speed and distance; it may also lead to an increased likelihood of falling asleep at the wheel.

Due to the slow speed at which the body processes alcohol, there is a real possibility of having alcohol in your system many hours after drinking; you could be impaired by alcohol and over the drink drive limit the day after.

The only safe way to know you are not impaired by alcohol is not to drink then drive.

* **Drugs**

Driving whilst under the influence of drugs whether prescribed medication or illegal substances, is just as dangerous as driving when under the influence of alcohol; it is also against the law.

If you take drugs you should be aware that they can adversely affect safe driving ability. Some affect concentration and increase risk taking or distort perception. Many cause excessive sleepiness, even the following day. You also need to be careful about taking ‘off the shelf’ medicines such as cold or flu remedies as they can have side effects such as drowsiness. Read the labels carefully and speak to your health care professional for advice.

If you are on prescribed medication which affects your ability to perform your duties, you must notify your line manager who will decide if it is safe for you to perform those duties.

* **Mobile phones**

See the safe use of mobile phones guidance on Knet and KELSI.

* **Seat belts**

It is law for all drivers and front/rear seat passengers to wear seatbelts where available. Drivers are liable for prosecution if a child over 12 years of age (up to the age of 14) or 135cm tall does not wear one. Passengers who are 14 years and over and adults are responsible for themselves, however drivers are advised to insist that all passengers are wearing seatbelts before setting off.

There are some exemptions from wearing a seat belt:

* A driver who is reversing or supervising a learner driver who is reversing.
* Driving a goods vehicle on deliveries that is travelling no more than 50 metres between stops.
* A licensed taxi driver who is ‘plying for hire’ or carrying passengers.
* On medical grounds - in such circumstances your doctor may issue a 'Certificate of Exemption from Compulsory Seat Belt Wearing' if he or she decides that it is not suitable for you to wear a seat belt on medical grounds. This certificate must be produced if the police ask you.

* **Fatigue**

Fatigue is a significant contributory factor in many road traffic crashes and The Highway Code recommends ‘a minimum break of at least 15 minutes after every 2 hours of driving’.

Adverse weather conditions and low light levels require intense concentration by the driver and can accelerate the onset of fatigue. Drowsiness can be aggravated by large meals, alcohol (even small amounts), road noise and many prescribed or over the counter medicines.

* **Health**

All licence holders have a responsibility to inform the DVLA if they have or develop a medical condition or disability which does or may affect their current or future fitness to drive; details of conditions are available from the DVLA. If employees have any concerns regarding driving as part of their work activity; are receiving treatment or have health conditions or symptoms that are likely to affect their ability to drive safely, they must discuss it with their line manager who may then seek further advice.

Health issues that should be specifically considered and brought to the attention of management include:

* + insomnia (i.e. as a result of illness)
  + mental health problems, including stress, depression and anxiety
  + epilepsy, fits or heart attack
  + chronic back or muscle problems due to seating posture
  + use of prescribed medication which indicate that driving ability may be impaired
  + drug or alcohol dependence.
  + **Smoking in vehicles**

The law does not allow smoking in vehicles which are used in the course of work.  This means that smoking is not permitted at any time in KCC owned vehicles or in any lease vehicles which are mainly used for work.

* + **Transporting clients**

Whilst driving for work employees must only transport passengers legitimate to KCC business.

There may be a requirement for some employees to transport service users in their own/lease cars.

Whether an employee uses their own car, a fleet/lease car, or a hired minibus, it is important to carry out a risk assessment for these duties, to determine the circumstances under which the task can be carried out safely, to include:

* + Car insurance for business use and transporting children (if applicable).
  + History of violence, challenging or inappropriate behaviour of the person(s) to be transported; consideration of an escort if driver is likely to be distracted.
  + Moving and handling of persons training if applicable.
  + Child protection issues when transporting young children.
  + Specific behaviour management plans in place where there is a foreseeable risk of a passenger showing signs of disruptive/challenging behaviour.

If a passenger shows signs of disruptive/challenging behaviour before the journey commences then the driver should not leave until they are certain the journey can be completed safely. If your passenger(s) become disruptive during a journey which could put themselves or others at risk, you should stop your vehicle at the nearest place of safety to either deal with the situation or call for assistance if not able to calm proceedings yourself. All reasonable steps must be taken to avoid leaving any passenger unaccompanied and in no circumstances should a passenger be left in a situation where they would be at risk.

Seat belts (or appropriate child restraints for young children) must always be worn by passengers. Children must use a child car-seat until they are 12 years old or 135cm tall, whichever comes first.

* **Carrying equipment/materials**

Employees may often be required to carry equipment/materials connected with their work and they must be properly secured. To not compromise safety drivers should ensure:

* The minimum amount of material is carried in the vehicle passenger compartment.
* Material is, where possible, carried in the boot or behind seat areas.
* All material carried is restrained or tied.
* Items are not positioned above the height of the rear seat back.
* Load covers are used in estate vehicles.
* Company property and personal belongings are stored securely in vehicles, usually out of site in the boot to deter casual theft.

Employees should not carry heavy, large, or awkward items in their vehicles that they cannot manage to move safely or cannot properly secure. A manual handling of inanimate objects risk assessment may need to be undertaken and an eLearning course completed see the manual handling guidance on Knet or KELSI.

Generally, employees should not be expected to carry any potentially hazardous equipment or substances in their own vehicles. Where carried in council vehicles, a risk assessment must be carried out and control measures put in place.

* **Fire**

Vehicle fires tend to start in the engine compartment or behind the dashboard. Never attempt to tackle a vehicle fire unless you have specific training in the required technique. If travelling, stop at the side of the road, switch the engine off, leave the vehicle without waiting to collect belongings or work items and stand well away from the vehicle. Only when you are at a safe distance should you call the Emergency Services for assistance.

**Safer vehicles** **- before setting off**

It is the driver’s responsibility to inspect the vehicle thoroughly before setting off to ensure it is roadworthy.

* **Daily and weekly checks**

For your own safety and to ensure that the best reliability is obtained from your vehicle you should make the following checks:

Daily

* tyre condition
* lights are operating correctly
* sufficient fuel.

Weekly

* Tyre pressure and treadwear including the spare wheel. Keep to the pressures recommended in the manufacturers’ handbook; it is an offence to have defective tyres.
* Engine oil level weekly and/or before setting out on a long journey.
* Battery - keep the terminals clean and ensure that all connections are secure.
* Radiator water and coolant level weekly and/or before setting out on a long journey.
* Top up the windscreen washer reservoir at least once a week. Check the action of the windscreen wipers and the condition of the wiper blades. It is an offence if your windscreen washer is inoperative for any reason.
* Levels in clutch, and brake fluid reservoirs (where fitted).

* **Fluid checks and top ups**

Whilst most mechanical oil/brake/battery fluid checks will be carried out during a normal service routine, windscreen fluid checks and top ups should be done on a regular basis (see above).

If topping up of the engine cooling system is required, the correct antifreeze/corrosion inhibitor solution must be added to maintain the correct percentage rate.

For your safety – topping up fluids must **not** be done while the vehicle is running or hot.

# ****Tyres and wheels****

**The implications of driving an unsafe/illegal vehicle will fall on the driver and there are significant**

**penalties for offences related to the condition of tyres.** Information about tyre pressure applicable to the vehicle can be found in the manufacturer’s handbook. Under or over inflation of tyres can lead to uneven tyre wear and create problems for over/under steering, which will affect the stability of the vehicle especially at higher speeds and in bad weather.

# Incident management - road traffic collisions (RTC’s):

Drivers involved in RTC’s must, if possible, take the following action:

* Follow The Highway Code, and Road Traffic Act 1988.
* Ensure that you are not in further danger - on busy roads move off the carriageway onto the verge, even if it means leaving the vehicle.
* If the vehicle is presenting a risk to other road users, warn them by switching the hazard warning lights on and placing a warning triangle (if available) at the side of the road.
* If anyone is or could be injured, do not move them, call the Emergency Services. Even if the injury appears slight, there could be a delayed reaction and a more serious injury may be masked by shock.
* The police must be informed if there is any injury.
* Drivers must remain at the scene until emergency services advise that it is safe to leave.

**Always** exchange details with all other drivers involved and take the contact detail(s) of any witness(es) – name, address, phone number, company name, insurers, and vehicle registration numbers as a minimum.

**Do not** admit liability in any way - with the shock you may not fully recollect all the factors involved in the incident. Take photos or sketch a plan of the scene whilst it is still fresh in your mind and record the details of all damage that occurred.

**Report** all RTC incidents (including near misses) to your line manager, complete an accident report form from your insurance company, and a KCC online HS157 accident/incident form. Line managers must investigate all work-related driving incidents.

Where doubt exists as to the roadworthiness of a fleet vehicle following a crash, no attempt should be made to move the vehicle until it has been inspected by a competent person. Following any incident which has resulted in damage to a KCC insured vehicle, KCC’s insurance department should be contacted immediately to obtain the relevant insurance claim documentation.

**Public Transport**

**Travelling by bus and train:** plan journeys in advance when using public transport for travelling on work-related KCC business to ensure you know where and when to catch the bus/train and where to get off. Where possible travel in daylight. It is advisable to have your ticket or money ready, so wallets/purses are kept out of sight. If you are worried about your safety on the bus sit close to the driver, or if on a train move to a carriage where there are other people. Report any suspect packages or unattended luggage/bags to a member of staff or police officer.

**Travelling by taxi or minicab:** always use licensed vehicles. Licenced taxis can be picked up in

the street or booked in advance. A minicab looks like an ordinary car; however, all vehicles should have a licence from the local council. Minicabs are not allowed to pick up passengers in the street without a booking, therefore book in advance. When your minicab arrives make sure the driver can confirm your name and destination and ask for their ID before entering the vehicle. If a minicab driver stops next to you and offers to give you a lift, never accept the offer - the driver is probably not licenced, and it is illegal to do this.

**Bicycles and motorcycles**

The guidance provided in this document also covers the safety principles and maintenance regimes applied to using bicycles and motorcycles. Additionally, to maximize your safety always wear a helmet and follow the rules of the road, a helmet will provide some protection for your face, head, and brain in case you fall and may reduce the risk of serious injury or death. Suitable strong protective and hi-visibility clothing and footwear should also be worn.

Balanced loads must be carried in suitable panniers.

For bicycles follow the British Cycling’s Commute Smart to ensure your bike is roadworthy prior to using it on the road, for information visit the British Cycling website.

**Insurance: bicycles**

Insurance against collision to third parties (e.g. cars or pedestrians) must be sought by the employee. KCC will not be able to provide any form of insurance cover for employees if they suffer property damage/injury whilst using a bicycle – either to themselves or a third party.

# Insurance: fleet vehicles

KCC will only insure owned or hired minibuses recorded on its Motor Insurance Schedule. To be included on this Schedule, KCC’s Insurance Team must be notified of the vehicle by completing and submitting a Vehicle Notification Form.

KCC’s Motor Insurance Policy only covers fleet vehicles that are being driven for KCC business activities and by persons approved by KCC (see section on ‘driving standards and training’). If you are required to produce the insurance certificate to the Police you should inform your manager as soon as possible.

**Insurance: personal vehicles/motorcycles**

If you use your own vehicle/motorcycle for company business, you must ensure that your insurance policy covers ‘*use by the policyholder in connection with his employer’s business*’ or wording to that effect. If this cover is not already provided you will need to contact your insurer or broker to arrange the appropriate extension to your policy and for which an additional premium may be charged; the cost of this cover is to be borne by the employee.

It is the line manager’s responsibility to check that an employee using his or her own car on company business has the necessary level of insurance cover in place.

**Insurance: driving abroad**

If you are going to be driving abroad, you need to check that your insurance is valid for your journey. KCC Members and employees are automatically covered for liability risks under the council’s insurance policies when they travel on official KCC business, both in the UK and abroad.  In addition, they along with their spouse/partner and any business associates accompanying them on authorised council business, can obtain travel insurance cover for external journeys.  The policy provides personal injury benefits as well as cover for costs related to medical and repatriation expenses (outside UK), cancellation, curtailment and change of itinerary, loss of personal belongings and money.

Travel insurance can be arranged by email notification to [insurance@kent.gov.uk](mailto:insurance@kent.gov.uk).  For cover to operate the email must supply the name(s) of members/employees travelling, the dates of the trip, destination(s) town and country (if abroad), and a current/active full 21-digit cost code for premium charging purpose.  Further details of the cover, documentation and prices are available upon request.

**First aid kits**

A risk assessment of first aid needs should be completed to determine whether those who travel long distances or are mobile for most of the working period should carry a personal first aid box. Where this is deemed the case, the kits in their vehicles should be kept fully stocked. A first aid box must be supplied in all fleet vehicles.