In accordance with reducing occupational road risk where it is practicable to do so, it is KCC’s policy that: ‘hands-free mobile phones will generally not be used while driving for work. No manager shall require a member of staff to use a mobile phone while driving.’

The impairment caused by mobile phones is the same whether it’s a hand-held or a hands-free device; the distraction is the conversation, not that you are holding the item. Currently the law only specifically forbids hand-held use, although drivers can and have been prosecuted for driving carelessly when using a hands-free device that has impaired their safe driving ability.

**Driver responsibility**

It is illegal to hold a phone or sat nat whilst driving or riding a motorcycle, this includes texting, searching the internet or programming if you are in control of a vehicle and still applies if you’re:

* stopped at traffic lights
* queuing in traffic.

You must have hands-free access to use a phone or sat nav by using:

* Bluetooth headset
* voice command
* dashboard holder or mat
* windscreen mount
* built-in sat nav.

The device must not block your view of the road and traffic ahead.

As a driver you are responsible and accountable for ensuring:

* You avoid using your mobile phone, even with a hands-free kit when driving your vehicle.
* That before using your mobile phone you park your vehicle in a safe manner or remain stationary before setting off to drive.

Whilst KCC does not require any driver to use a mobile phone whilst driving for work purposes there may be cases where a vehicle mounted phone is an integral part of an employee’s equipment for practical or safety purposes. Hands-free kits in vehicles can also be provided for ergonomic purposes, ensuring comfortable use of the phone whilst the vehicle is stationary, if an assessment of service needs supports it (see below).

Where a mobile phone hands-free kit is provided for work purposes the following system must be followed:

* For vehicle mounted phone units to be approved, a simple business request must be presented to a line manager for approval. The business case should relate to the work need for the mobile phone and its use in a vehicle.
* If a hands-free mobile phone is issued to an employee, managers need to make clear that KCC, as an employer, does not require drivers to use a mobile phone whilst driving for work purposes. It is good practice to only make and receive calls when stationary and parked in a safe way.
* Any employee given approval to use hands-free kits for business purposes will agree to this policy for safety, insurance, and risk management purposes.

**Security and personal safety**

Mobile phones should not be left on view within vehicles, and drivers should consider locking vehicle doors when travelling. It is recommended that mobile phone users place an emergency contact number in their mobile phone under ‘ICE’ (in case of emergency).

Speaking on a mobile phone is not the same as having an in-car conversation with a passenger. The biggest difference is the mobile phone conversation will have no relevance or relationship to road conditions, and at times of greatest concentration the mobile phone caller will continue to impair the driver over unrelated topics. A passenger should be seen as an extra pair of eyes in the vehicle and they are likely to understand why a driver needs to concentrate at certain times or the need to draw the driver’s attention to a specific hazard on the road. Clearly passengers can still be a distraction, as can listening to the radio, but mobile phones are specifically legislated for in law.

**What if my mobile phone rings while I’m driving?**

Switch your mobile to answer phone or turn it off before your journey and return the call when you are parked in a safe location. If you do not have an answer phone facility let it ring and get back to the caller when it is safe to do so.

**Telephoning someone who is driving**

Ask if they are able to talk, if they are driving say you will phone back later and end the call.

**Health issues**

According to the World Health Organisation many studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.

The Highway Code states ‘if you’re the driver, you can only use your mobile phone in a vehicle if you:

* Need to call 999 or 112 in an emergency and it’s unsafe or impractical to stop.
* Are safely parked with the engine and headlights switched off’.

For further information see RoSPA driving at work: mobile phones.

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