



## **Drivers & Car Users Policy**

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## Policy Statement

This policy and guidance apply to the following staff:

- Staff who drive vehicles leased or purchased by people supported by Fair Deal – this includes Motability vehicles
- Staff who use their own vehicles for driving people supported by Fair Deal
- There is also a section which applies to staff that are driving their own vehicles for business use
- To staff who use their own vehicles for driving people supported by Fair Deal, or if staff are driving their own vehicles for business use, Fair Deal operate a mileage allowance. This is detailed in full in Fair Deal Travel and Subsistence policy
- Vehicles leased or owned by Fair Deal.

Fair Deal is committed to not only recognising, it's legal obligations with regard to driving at work but also recognises the Health & Safety risks to staff and people supported by Fair Deal and as a result seeks to minimise those risks and encourage safe driving.

This policy gives guidance and procedures for staff driving their own vehicles, maintaining vehicles which are leased by people supported by Fair Deal and for staff who are driving their own vehicle for business use.

## Drivers Qualifications and Health

Fair Deal has an authorised drivers list, which list the staff permitted to drive whilst at work for Fair Deal. To drive vehicles leased or purchased by people supported by Fair Deal – this includes Motability vehicles, you must have held a full valid driving license appropriate to the vehicle to be driven, for a minimum period of 1 year and you must provide Fair Deal's Business Support Team with copies of your paper and photo ID driving license. We will notify you as the renewal date approaches. If you are driving people supported by Fair Deal, in your own vehicle, you must provide copies of your paper and photo ID driving license, full business insurance and current MOT certificate or your registration document if the car is less than 3 years old. If you are driving your own vehicle for business use, then you must provide copies of your paper and photo ID driving license, full business insurance and current MOT certificate or your registration document if the car is less than 3 years old. Driving licenses, insurance documents and MOT certificates are then audited by the Business Support Team on a regular basis.

**Staff must complete a yearly Drivers Risk Assessment which will be sent to them by the Fair Deal's Business Support Team.**

Any member of staff that drives people supported by Fair Deal in any vehicle without submitting their driving licence, insurance document or current MOT for checking may be subject to disciplinary action.

If there is a change to the status of your license, e.g. endorsements or penalty points, you must notify your line manager immediately of the type of offence, how many penalty points you receive, the level of the fine imposed and when the endorsements or penalty points are added to your licence. A new copy of your licence must be given to the Business Support Team, as you may no longer be eligible to drive for certain aspects of company business e.g. People supported by Fair Deal, or your vehicle with a person supported by Fair Deal.

Staff must comply with the regulations laid down by the DVLA relating to any medical condition that may affect their driving and the validity of their licence. Staff must inform the DVLA if they have ever had, or currently suffer from a range of medical conditions.

Staff must also provide details if they develop a new medical condition or disability or one that has become worse since their licence was issued. For further guidance on this issue staff should consult their doctor or view [www.dvla.gov.uk/medical.aspx](http://www.dvla.gov.uk/medical.aspx)

A list of current notifiable medical conditions can be found at [www.dvla.gov.uk/drivers](http://www.dvla.gov.uk/drivers)

## **Staff must not commence a journey for company business if they**

- Feel that they are not fit to do so
- Have been advised by their doctor not to drive
- Are on medication that may affect their ability to drive safely

## **Eye Tests**

Good eyesight is essential for driving but is often overlooked. One in ten driver's eyesight does not meet the legal minimum requirement of being able to read a number plate at 20.5 metres, even with the use of glasses. If you drive a vehicle on company business, particularly if you drive people supported by Fair Deal in a vehicle, Fair Deal recommend that you have your eyes tested at least every 2 years.

## **Effects of Alcohol**

Driving while under the influence of alcohol is a criminal offence. Penalties start from a fine, with or without disqualification to a term of imprisonment. The legal limit in Scotland at the time of this policy being reviewed is 50mg of alcohol to 100 ml of blood or 22 mcg per 100 ml of breath. (This is different to the legal limit in the rest of the UK which is 80 mg of alcohol to 100ml of blood or 35mcg per 100ml of breath). A full list of the current drink drive limits can be viewed on [www.gov.uk](http://www.gov.uk). The effects of alcohol in the body can remain for much longer periods than many people realise. If you indulge in drinking alcohol in the mid to late evening prior to working day, you could still be under the influence at the start of, or even well into the following working day. The body will only dispose of the alcohol at its own rate, and this will differ from person to person. Please be aware of this and ensure that you are not in any way under the influence when driving for company business.

## **Risk Assessments**

A risk assessment will be completed for every authorised driver who will be driving people supported by Fair Deal whether in their own vehicle or the person's Motability vehicle and for drivers who use their own car for business purposes.

## **Policy Restrictions**

Under no circumstances should a vehicle being driven for business purposes or for the people we support's Motability vehicle be used:

- For personal use
- For driving tuition
- As a taxi or other use which involves payment for hire
- For off road activities
- For any illegal activities

If a staff member uses a vehicle registered or owned by someone supported by Fair Deal or uses their own car whilst on Fair Deal business, for any of the above, they will face disciplinary action which could result in dismissal.

Commuting to work is not generally classified as driving for work. Health and safety law does not apply to commuting.

## Drivers Induction

The line manager will go through this policy and guidance and ensure staff have full understanding of:

- where the logbook and relevant documents are kept
- the process to be following in the event of a break down or accident
- relevant information regarding the vehicle e.g., petrol or diesel etc
- full contact details of leasing company or Motability Company and breakdown organisation, procedure for reporting an accident/breakdown in relation to insurance.
- If the vehicle is converted, training should be given on all aspects of the conversion, e.g., use of ramps, hoists, and safety straps

This is in line with Fair Deal's authorised driver's checklist.

## Driving

### Drivers Guidance

Fair Deal expects all authorised drivers, who drive people we support's Motability vehicles or who drive people we support in their own vehicle, to drive safely, cautiously, courteously and within the law always.

### Mobile Phones

It is a criminal offence to use a handheld mobile phone or similar device in a vehicle while moving or whilst stationary with the engine running. As using hands-free equipment is also likely to distract your attention from the road, it is Fair Deal's policy that staff should not use a mobile phone whilst driving for Fair Deal or driving people who use our services vehicle.

### Speeding

Drivers must always observe the posted speed limits. Failure to do so could lead to your license being endorsed and possible disqualification. If this occurs and you drive the Motability vehicle of a person supported by Fair Deal, you will be required to declare yourself as the driver and will be liable for any fines incurred whilst you were driving the vehicle.

### Fuel and Oil - people who use our services vehicles

As part of Fair Deal policy, drivers are encouraged to be as fuel efficient with people supported by Fair Deal's vehicles as possible. They should, however, follow any guidelines on the correct fuel and oil to use for the vehicle driven. Failure to follow this advice could result in engine damage.

Everyone supported by Fair Deal should have a local agreement contained within their systems folder on who is responsible for checking the oil and tyres of the vehicle.

If the driver fills a persons' vehicle with the wrong fuel, diesel in a petrol car for example, they may be liable for the costs of any repair. If this happens **DO NOT START THE ENGINE.**

If the engine is not run, then it is possible to drain the fuel tank without causing any damage to the rest of the vehicle. Once the engine has been started the whole fuel, engine and exhaust systems will have been contaminated and the cost of the repair rises.

### Smoking in Vehicles

- Smoking by staff is prohibited whilst driving people who use our services vehicles
- Staff should also refrain from smoking if people who use our services are a passenger in their own vehicle

## Eating and Drinking

The Highway Code states that you must always exercise proper control of your vehicle. Although there is clear guidance prohibiting the use of mobile phones for example, the law is less specific about other distractions such as eating and drinking. A good rule of thumb is that you should refrain from any activity that causes you to take your hand off the steering wheel or diverting your attention from the road whilst driving. This is particularly important if a person supported by Fair Deal is a passenger in the vehicle.

## Non-UK Licence Holders

Drivers with foreign licences are permitted to drive in the UK for a certain period of time using their own national licence. The periods are:

- For an EU national – 3 years from first residency
- For any other country – 12 months from first residency

After these times the driver must apply for a UK licence and can no longer use their national licence in the UK.

## Fines

The Driver is responsible for the payment of any fines incurred whilst driving a person supported by Fair Deal's vehicle.

## Vehicles

### Motability Vehicles

If the person supported by Fair Deal has a Motability car and it requires repair then this is organised through Motability, each individual person supported by Fair Deal, must have within their systems folder a detailed account of the relevant contact details in the event of a repair being required to be carried out or in the event of an accident or breakdown, full details of this should also be kept in the vehicle.

### Breakdowns and Accidents

In the event of a breakdown your main concern is to protect the safety of you and your passengers and secondly to make sure the vehicle is parked in a safe position with hazard lights on to warn other road users. If your breakdown on the motorway, you should:

- Contact the breakdown organisation. Full details of this should be in the vehicle. You will need to supply the following information; the registration number, vehicle make, model, colour and whether it is an automatic or manual transmission, your name, location, and telephone number where you can be contacted and a description of the problem
- Evacuate all occupants by the nearside doors of the vehicle and move as far away from the carriageway as possible
- If you must leave the car, make sure it is secure.

In the event of an accident, your primary concern must be for all parties involved. If your vehicle is involved in an accident, the following actions are necessary:

- Stop quickly but safely
- Remove the vehicle from the road or carriageway if it is safe to do so
- Check the condition of any passengers and any third parties and if someone is injured call 999 to summon an ambulance and the police
- Switch on the four-way hazard lights to reduce the chance of someone hitting you
- Endeavour to obtain the names and addresses of any independent witnesses

- Make notes on the spot concerning the main details – time, place, circumstances, weather conditions, registration number of vehicle(s) involved, etc.
- If damage occurs to any other property (other than 3rd party vehicles) then the police must be informed
- Make a note and rough diagram of what has happened, there is a pro forma for this attached to this policy - a copy of this should also be always kept in the Motability vehicle in case of an accident
- If you have a camera or camera phone, take pictures of the scene
- Do not discuss who was at fault or admit any liability
- In a damage only accident, you have a legal obligation to exchange names, addresses and registration numbers with the other drivers involved
- If, for any reason, it is not possible to exchange particulars at the scene, you must report the accident to the police within 24 hours
- If any personal injury has been sustained, no matter how slight, you must report the accident to the police as soon as possible and, in any case, within 24 hours of the accident
- If you have been injured or feel any discomfort that might be attributable to the accident, it is important that you consult a doctor to initiate a medical report in case of subsequent injury claims

**Once any concerns about the safety of all parties involved have been alleviated, do the following:**

- Report the incident to your line manager and complete a written record of details relating to the incident
- Contact the leasing company / Motability or person supported by Fair Deal insurance company, to report the accident and arrange for the vehicle to be recovered (if immobilised) to an approved repairer as quickly as possible
- Inform the family of the person supported by Fair Deal
- It is the responsibility of the person we support who leases the vehicle, to pay the excess for the insurance claim being made in respect of any accidents

## **Vehicle Theft or Break In**

Thefts of and break ins to people supported by Fair Deal vehicles must be reported to the police and the leasing company/Motability. As above you should also report this to your line manager, you will require a crime reference number from the police to complete the insurance claim.

The leasing company/Motability or insurance company will provide you with information in relation to arranging repairs or a replacement vehicle.

## **Driving your own vehicle for business purposes**

All the above guidance applies to circumstances where a person supported by Fair Deal is a passenger in the vehicle whether it be the persons own vehicle or a staff member's own vehicle. There is, however, a few staff who use their car for other company business e.g., travelling to meetings, visiting services etc. In these circumstances, the majority of the above procedures do not apply, however staff should follow the guidance below.

You must have held a full valid driving license appropriate to the vehicle to be driven, for a minimum period of 1 year, and have fully comprehensive business insurance and a current MOT certificate appropriate to the vehicle. You must also provide Fair Deal's Business Support Team with copies of your paper and photo ID driving license, current MOT certificate or your registration document if the car is less than 3 years old.

Driving licenses, insurance documents and MOT certificates are then audited by the Business Support Team on a regular basis. MOT certificates and insurance documents

should be resubmitted by workers at renewal dates, if these are not submitted, you will not be authorised to drive on company business.

## **Avoid Unnecessary Journeys**

Each business travel requirement needs to be considered on its own merits. However, the first step is to consider whether the journey is necessary at all. You should examine whether the work could be done either by:

- Telephone
- E-mail
- Web Conferencing

If the journey is necessary, you should also explore the possibility of using public transport.

## **Drivers Guidance**

Fair Deal expects that all workers who drive on company business, to drive safely, cautiously, courteously and within the law always.

### **Mobile Phones**

If you have a company mobile phone it should not be used at all whilst driving, this includes any hands-free device. The employee will be liable for any action which breaches mobile phone legislation e.g. operating the phone whilst driving.

### **Driving Licence/Insurance & MOT**

The Business Support Team will audit staff driving licences, insurance documents and MOT certificates on a regular basis, if you use your car for business use and claim mileage expenses; you are required to submit the above documents to be checked by the Business Support Team.

### **Smoking in Vehicles**

Smoking by staff is prohibited whilst driving people who use our services vehicles. Staff should also refrain from smoking if people who use our services are a passenger in their own vehicle.

### **Eating and Drinking**

The Highway Code states that you must exercise proper control of your vehicle at all times. Although there is clear guidance prohibiting the use of mobile phones for example, the law is less specific about other distractions such as eating and drinking. A good rule of thumb is that you should refrain from any activity that causes you to take your hand off the steering wheel or diverting your attention from the road whilst driving. This is particularly important if a person supported by Fair Deal is a passenger in the vehicle.

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**After these times the driver must apply for a UK licence and can no longer use their national licence in the UK.**

## **Fines**

The Driver is responsible for the payment of any fines incurred whilst driving a person supported by Fair Deal's vehicle.

## Document Information

<b>Document Ref:</b>	Drivers & Car Users Policy
<b>Version:</b>	6
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<b>Approved By:</b>	Ann Marie Docherty
<b>Confidentiality Level:</b>	Controlled: Uncontrolled if printed

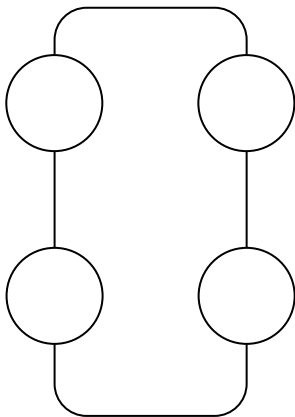
## Amendment History

<b>Date</b>	<b>Version</b>	<b>Created By</b>	<b>Description of Change</b>
01/08/2018	2	Jill Grace	Replaced the term 'Business Support Co-Ordinator HR' with 'Business Support Team'
31/08/2018	3	Elaine Davidson	Amended to include Fair Deals lease vehicle
14/05/2019	4	Elaine Davidson	Added front cover / amended footer details
18/11/2022	5	Fiona Dunwoodie	Added section about commuting
11/04/2023	6	Morgan Cochrane	Updated document with new policy template

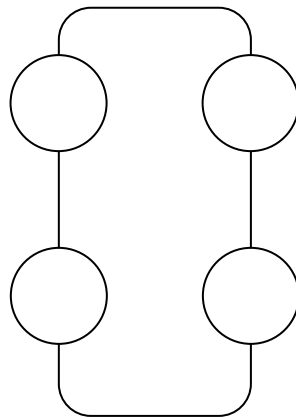
<p><b>Person Supported by Fair Deal</b></p> <p>Name:</p>   <p>Tel:</p> <p>Mobile:</p> <p>Email:</p>	<p><b>Other Driver Details</b></p> <p>Name:</p> <p>Address:</p>   <p>Tel</p> <p>Mobile:</p> <p>Email:</p>
<p><b>Vehicle Details</b></p> <p>Make:</p> <p>Model:</p> <p>Colour:</p> <p>Reg. No.:</p> <p>Insurer/Broker:</p>	<p><b>Vehicle Details</b></p> <p>Make:</p> <p>Model:</p> <p>Colour:</p> <p>Reg. No.:</p> <p>Insurer/Broker:</p>
<p><b>Insurance Details</b></p> <p>Policy No.:</p> <p>Start Date:</p> <p>Expiry Date:</p>	<p><b>Witnesses</b></p> <p>Name:</p> <p>Address:</p>   <p>Tel:</p>
<p><b>Claims Procedure</b></p> <p>Complete third-party details.</p> <p>Take note of the third-party vehicle details and registration number.</p> <p>Are there any witnesses available, if so ask for their details.</p> <p>If there are injuries, call and report the incident to the police.</p> <p>Check and record the damage on your own and the third-party vehicle.</p> <p>If your vehicle is not drivable call Insurer/Broker for recovery assistance.</p>	

**Road Accident Plan**

**Damage to Vehicles**



Person using FD services vehicle



Another vehicle