



Section: 5.6  
Title: **SAFE DRIVING POLICY**  
Date: 25 April 2023  
Revision: 2

## **1. INTRODUCTION**

- 1.1 Road traffic legislation imposes specific requirements on Moray Council in respect of vehicle use and maintenance.
- 1.2 As an employer, Moray Council also has a responsibility under Health and Safety legislation to ensure so far as reasonably practicable the health and safety of its employees and others who may be affected by their work activities. This includes the activity of driving on public roads.
- 1.3 There is also a strong operational and moral case for managing work-related road safety. Minimising road incidents will invariably mean a safer workforce, fewer days lost to injury, fewer repairs to vehicles and reduced running costs.
- 1.4 Moray Council aims to effectively manage the risks posed to employees from driving for work while working together with its employees.
- 1.5 Moray Council is legally obliged to comply with the conditions of its operator's ("O") license. Failure to comply with these conditions could lead to the full or partial removal of the "O" license and therefore the Council's authority to operate vehicles.

## **2. PURPOSE and SCOPE**

This document is intended to define Moray Council policy on driving for work, and to promote a safe driving culture by ensuring that all employees or any other person or persons driving on behalf of Moray Council do so in a safe, reliable and responsible manner. It applies to operations that involve Moray Council vehicles, the employee's personal vehicle, hired or contracted vehicles when driving for work purposes.

## **3. LEGISLATION**

- Health and Safety at Work etc. Act 1974 and associated Regulations
- Road Traffic Act, 1961 and subsequent amendments
- Goods Vehicles (licensing of operators) Act 1995

## **4. ROLES and RESPONSIBILITIES**

- 4.1 The Chief Executive has overall responsibility to ensure so far as is reasonably practicable, the safety, health and welfare at work of all employees and others affected by the activities of Moray Council.
- 4.2 Heads of Service and Individual service managers have responsibility for ensuring that there are adequate and appropriate arrangements in place for the successful implementation, monitoring, evaluation, audit and review of this Policy throughout their respective areas.

They will also -

- Ensure the necessary resources are allocated and are available for the implementation of this Policy.

- Ensure that all hazards and the risks associated with driving for work are identified and assessed, and appropriate measures put in place to eliminate, control or minimise the risk.
- Ensure this Policy is brought to the attention of, and implemented by all employees and others as appropriate.
- Seek occupational health assistance where there are legitimate reasons for concern on occupational health grounds.
- Monitor and review the risk assessment and safe systems of work following an incident while driving at work.
- Ensure procedures are in place in the event of an accident or incident and these are brought to the attention of all drivers.
- Ensure all accidents, incidents and near misses are reported and managed in accordance with the Council's reporting procedures.
- Refer any medical concerns about drivers to the Council's occupational health provider.
- Ensure that systems are in place to ensure that their drivers' licence details are checked, recorded and monitored. This will include the completion of a D906 form by ALL staff driving for work. Staff who do not drive for works purposes do not need to fill out a D906 form.

#### 4.3 The Fleet Services Manager is responsible for-

- Ensuring that Moray Council's Goods Vehicle Operators (O) licence is maintained and that relevant advice and training is available and followed on all vehicle operation and driving matters.
- Ensuring that all vehicles owned or leased by Moray Council are maintained and serviced in accordance with the manufacturer's recommendations and legal requirements.

#### 4.4 The Corporate Health and Safety Team will provide advice on, and support with, health and safety matters and their associated training implications.

#### 4.5 All persons driving as part of their Moray Council duties are responsible for ensuring that they take reasonable care of their own safety, health and welfare and that of others.

They will also –

- Adhere to this policy and any associated risk assessments and guidance.
- Not engage in improper conduct or behaviour or place anyone at risk whilst driving.
- Attend training as required by their particular service.
- Use safety equipment or PPE provided, or other items provided for their safety, health and welfare at work.
- Adhere to the rules of the road and the guidance contained within the Highway Code.
- Ensure they are fit to drive at all times and aware of the implications which alcohol / illegal substances, medication and fatigue could have for driving safely.
- Adhere to prescribed medical treatment. Monitor and manage their conditions with on-going consideration of their fitness to drive.
- Reply honestly and truthfully to questions regarding their health history and status and the likely impact on their driving ability, including disclosure of drug or alcohol dependence.
- Inform their line manager of any change in their medical status that may impact their ability to drive.
- Comply with the requirements of their licence as appropriate including periodic medical reviews.
- Adhere to the Council's accident or incident procedures. These can be found here: [http://interchange.moray.gov.uk/int\\_standard/Page\\_118688.html](http://interchange.moray.gov.uk/int_standard/Page_118688.html)

### Mobile Phone Use

It is an offence to use a hand held mobile phone whilst driving, and it is widely recognised that using a “hands free” mobile phone can be the cause of distractions that lead to accidents. Therefore, the Moray Council prohibits its drivers from using a mobile phone, whether hand-held or hands-free, whilst driving at work. It requires drivers who receive a call when driving **not** to answer the call until parked in a safe place, such as a lay-by, with the hand brake applied and a neutral gear selected. It is also an offence to cause or permit a driver to use a hand held mobile phone while driving. Therefore, voice mail should be used to contact a person who may be driving.

### Two Way Radio Use

Whilst the use of two-way radios is exempted from the mobile phone legislation, using a 2-way radio whilst driving can be hazardous. The inappropriate use of a two-way radio whilst driving could lead to a prosecution for failing to have proper control of the vehicle. Therefore, if there are other employees present in the cab they should operate the radio and make transmissions. Drivers may in the event of an emergency or an operational necessity use the radio, if this can be carried out without undue risk to safety.

### Seatbelt Use

Seat belts are to be correctly worn in all vehicles used on Moray Council business where seatbelts are fitted. This applies to both drivers and passengers. Only those persons with a valid medical exemption certificate are allowed to opt out of this requirement.

#### 4.6 Drivers driving a Council vehicle must:

- Hold a valid driving licence which is appropriate for the class of vehicle they are required to drive, and ensure this is carried at all times while driving.
- Receive management approval and authorisation to drive a council vehicle.
- Ensure that the vehicle being driven and vehicle equipment provided is fit for use by carrying out pre use checks.
- Report to their Line Manager any Council vehicle defects.
- Report to their Line Manager if driving licence has been suspended, cancelled or has penalty points, or limitations placed upon it.

#### 4.7 Drivers driving their own vehicle (Grey Fleet) must:

- Hold a valid driving licence and business insurance specifying indemnification (specifying the carrying of passengers and / or goods as necessary)
- While driving, ensure driving licence is carried with them at all times.
- Ensure vehicles are roadworthy, fully taxed and have a valid MOT.
- Receive management approval and authorisation to drive.
- Report to their Line Manager if driving licence has been suspended, cancelled or has penalty points, or limitations placed upon it.

#### Employees must not:

- Interfere with, misuse or damage anything provided for securing the safety, health and welfare of those at work.

## **5 Ability to Drive Safely**

Moray Council reserves the right to withdraw permission for an employee to drive on Council business, if it is considered that the individual's ability to drive safely may be impaired.

## **6 Risk Assessment**

Managers who are responsible for employees who are required to drive as part of their Moray Council duties, are to ensure that suitable and sufficient risk assessments are carried out on all significant hazards that are identified as part of these duties. These must focus on the hazards and identified risk factors associated with the **Driver**, the **Vehicle**, and the **Journey**.

The following risk factors may result in harm while driving on a public road and should be considered when conducting the risk assessment.

- Speeding
- Alcohol and drugs
- Effects of adverse weather conditions
- Lone working
- Night driving
- Driver fatigue
- Vehicle operation

As per council policy, alternative means of transport including buses, trains, etc. should be considered as an alternative to driving.

## **6. ASSOCIATED GUIDANCE DOCUMENTS**

- 6.1 Moray Council Drivers' Handbook
- 6.2 Moray Council Operators Licence Guidance Document
- 6.3 Goods Vehicle (Licensing of Operators) Act 1995
- 6.4 Workplace (Health, Safety and Welfare) Regulations 1992
- 6.5 Road Vehicle (Construction and Use)(Amendment )(No4) Regulations 2003
- 6.6 DVSA; Driving the Essential Skills
- 6.7 FTA, Drivers' Handbook