

Driving for work: **Own Vehicles**



Driving is the most dangerous work activity that most people do. Research indicates that about 20 people are killed and 220 seriously injured every week in crashes involving someone who was driving, riding or otherwise using the road for work.

HSE Guidelines, 'Driving at Work', state that "health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system".

So, employers must conduct suitable risk assessments and put in place all 'reasonably practicable' measures to ensure that work related journeys are safe, staff are fit and are competent to drive safely and the vehicles used are fit for purpose and in a safe condition. Such measures will more than pay for themselves by reducing accident costs, many of which (e.g. lost staff time, administration costs) will be uninsured.

Employers owe the same duty of care under health and safety law to staff who drive their own vehicles for work as they do to employees who drive company owned, leased or hired vehicles.

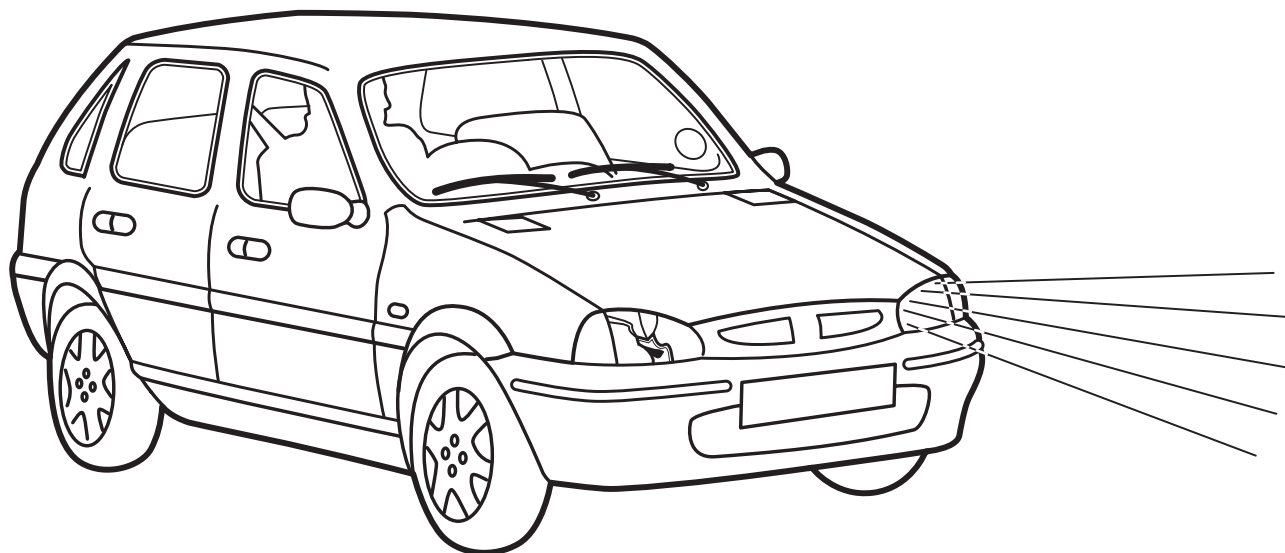
It is also an offence under road traffic law to 'cause or permit' a person to drive a vehicle that is in a dangerous condition or without a valid licence or at least third party insurance.

Vehicle defects are involved in only a small proportion of crashes; human behaviour and journey design (schedules, drivers' hours, etc) are by far bigger causes of road collisions. However, the type of vehicle also has a major influence on the likelihood and severity of injuries if there is a collision.

Therefore, employers need to have procedures in place to ensure that all vehicles (irrespective of who owns them) that are used for work purposes conform to road traffic law, are safe and properly maintained, and are fit for purpose. It is relatively simple for employers to do this for company owned or leased vehicles, but it can be more complicated when staff use their own vehicles for work.

This leaflet gives simple advice on how employers and line managers can develop and introduce policies governing if, when and how staff may use their own vehicle for work. It can be used to inform the organisation's risk assessment.

A sample 'Policy' is included, which can be adopted as written or adapted to suit your organisation's needs. It can be used as a stand-alone policy or incorporated into a wider 'Safer Driving for Work' policy.



What employers should do

Expect Safe Driving

Ensure all staff, including directors, senior managers and line managers, understand that the organisation expects everyone who drives for work to ensure that their vehicle is legal, safe and fit for purpose. All managers should lead by personal example and follow the organisation's policy concerning the use and maintenance of their own vehicles.

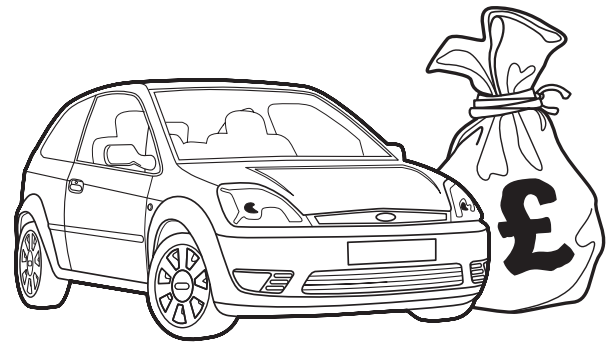


Consult Staff

Ensure that staff and/or their safety representatives are fully consulted about the organisation's policy on safe driving, including conditions for own vehicle use, and that this is reviewed periodically in joint health and safety committee meetings.

Review the 'Cash for Cars' Policy

If the organisation operates a 'cash for cars' option in which staff take a lump sum to purchase their own vehicle rather than have a company car, it may wish to review this to check that any advantages outweigh the disadvantages of managing staff's own vehicles. Remember that adopting a 'cash for cars' policy does not absolve employers from their health and safety obligations.



Review Own Car Use

In many organisations, staff who do not have a company or cash-option vehicle, use their own for work, in which case the same policy should be applied.

Consider Occasional Own Car Use

Many employers specify a maximum distance (e.g., return trip of 50 or 100 miles) for staff who only occasionally use their own vehicle for work, beyond which a company or hire vehicle must be used. This often makes financial sense as it is normal to pay a higher mileage rate to someone who uses their own car in this manner. Where possible, use remote communications such as telephone, email or video-conferencing as a substitute for road journeys or travel by bus, train or plane, which is far safer and more environmentally friendly.

Agree Minimum Vehicle Standards

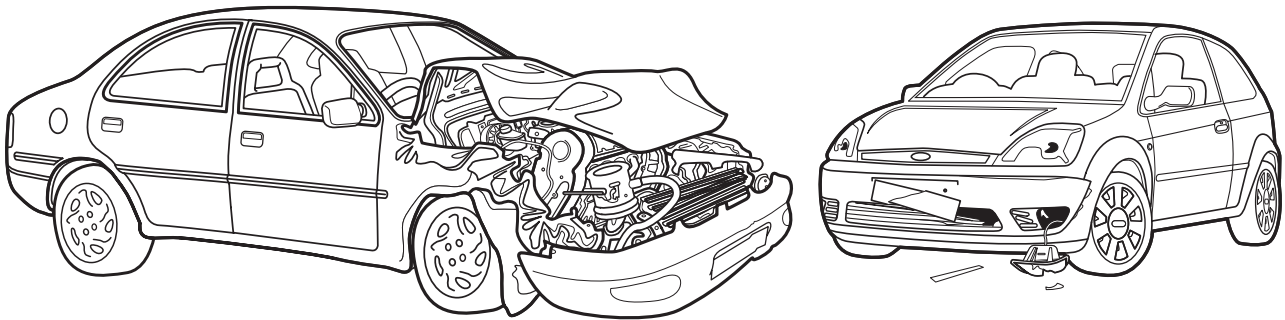
If staff use their own vehicles, agree conditions on the types of vehicle that are acceptable. As far as possible, the standards set for 'cash for car' vehicles should be equivalent to those for company vehicles. However, it may not be feasible to expect staff who do not receive financial assistance to purchase their own vehicle to be able to afford one to the same level of standards, although their vehicle must be suitable for the type of use.

When setting minimum standards, consider:

Crashworthiness

The protection for occupants and other road users varies widely between cars, with newer vehicles (generally) providing better safety performance than older ones. The European New Car Assessment Programme (EURONCAP) assesses the safety performance of the most popular cars sold in Europe. Details can be found at www.euroncap.com

'Cars: Make and Model: the Risk of Driver Injury in Great Britain 1996-2000', provides useful information about the risk of injury to occupants in older cars. It is available at: www.dft.gov.uk/stellent/groups/dft_transstats/documents/downloadable/dft_transstats_508326.hcsp



Minimum Safety Features

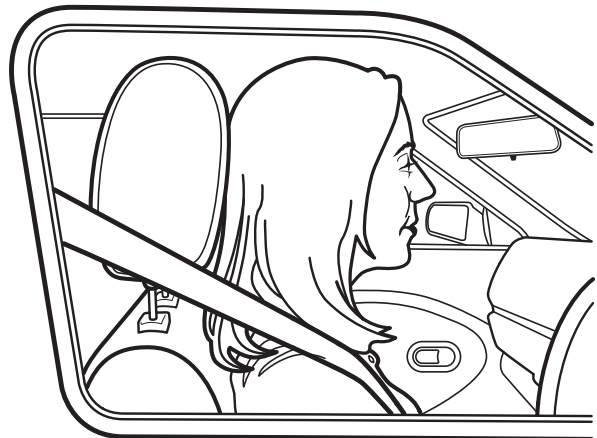
Seat belts and head restraints should be fitted in all seats, and there should at least be a driver's airbag. Other things, such as additional airbags, ABS and so on could be agreed as minimum requirements in consultation with staff and their representatives.

Unacceptable Features

Features which might increase the risk of collisions, such as unnecessary in-car distraction, or increase the severity of any injuries, such as bull bars, should be avoided.

Desirable Safety Features

Additional safety features (such as side airbags, ABS, stability control systems such as ESP) are available in most modern cars, as standard or optional extras.



Personal preference and price will be the main factors that determine the employee's choice of vehicle, but some safety issues should be considered. Further advice is available at: www.rospa.com/roadsafety/advice/motorvehicles/index.htm and in 'Choosing Safer Vehicles' at www.rospa.com/roadsafety/info/safer_vehicles.pdf

Advice for drivers with disabilities, or who may have disabled passengers, is available from Motability, www.motability.co.uk

Agree Minimum Conditions of Use

Minimum conditions of use should also be agreed. For example, drivers will:

- ensure the vehicle is properly taxed, has a valid MOT, valid insurance for business use and is serviced according to the manufacturer's recommendations
- show, on request (and at specified intervals) documentary proof of the above
- agree to conduct regular vehicle safety checks (see below)
- not carry loads for which the vehicle is unsuited (a car is not a van)
- not carry hazardous materials
- only carry the number of passengers for whom there are seat belts
- not use the vehicle in conditions for which it is not designed (e.g. off-road).

Do Not Allow Unsafe Vehicles To Be Used

Ensure there is a clear rule that any vehicle that is deemed or suspected to be in an unsafe or illegal condition will not be used for work purposes until all necessary repairs have been completed.

Raise Awareness

As part of recruitment, training and staff appraisal, ensure that drivers who use their own vehicles, and their line managers, are reminded to ensure that:

- the vehicle is taxed, has a valid MOT and appropriate business-use insurance cover
- the vehicle is maintained according to the manufacturer's service schedule
- the vehicle is only used in accordance with the insurance cover
- regular safety checks and pre-drive safety checks are conducted (see below).

Staff also need to be aware of:

- the legal, financial and bad PR consequences of crashing due to a faulty vehicle or when uninsured
- the organisation's overall policy on work related road safety
- the need for employees to co-operate in carrying out the policy and to report any problems
- the fact that even if driving their own vehicle, they are on company business and must comply with the company's rules and procedures.

Conduct Document Checks

Managers need to decide what document checks are required to ensure that staff are complying with the policy on using own vehicles. For large employers, the administrative burden of requiring copies of all MOT, insurance, registration and servicing documents annually could be dis-proportionate to the level of risk. However, employers should be able to conduct spot checks on these documents and staff should be required to co-operate. The relevant documents are:

■ MOT Certificate

After their third birthday (fourth birthday in Northern Ireland) vehicles must pass an MOT annually, and the vehicle owner must possess a valid MOT certificate.

■ Servicing

Vehicle manufacturers specify recommended service schedules for their vehicles (e.g. annually or every 10,000 miles). Staff using their own vehicles should be required to ensure their vehicle is serviced according to the manufacturer's specifications, (although not necessarily by the manufacturer's agents) and to produce the service schedule on request.

■ Insurance cover for Business Use

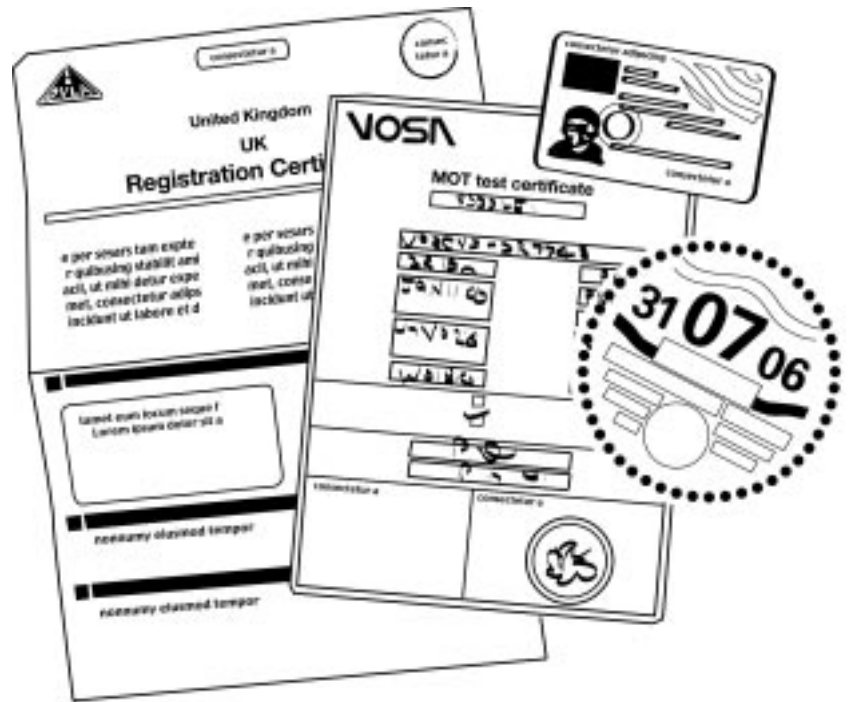
It is essential that any driver who uses his or her own vehicle for work journeys (excluding commuting) has appropriate motor insurance cover. This must include cover for business use.

■ Registration document

It may be necessary to check that the driver is authorised to use the vehicle if s/he is not the registered keeper and that s/he is insured to drive that vehicle for business purposes.

■ Vehicle Excise Duty

Vehicles must display a valid vehicle excise duty disc on their windscreen.



Conduct Vehicle Checks

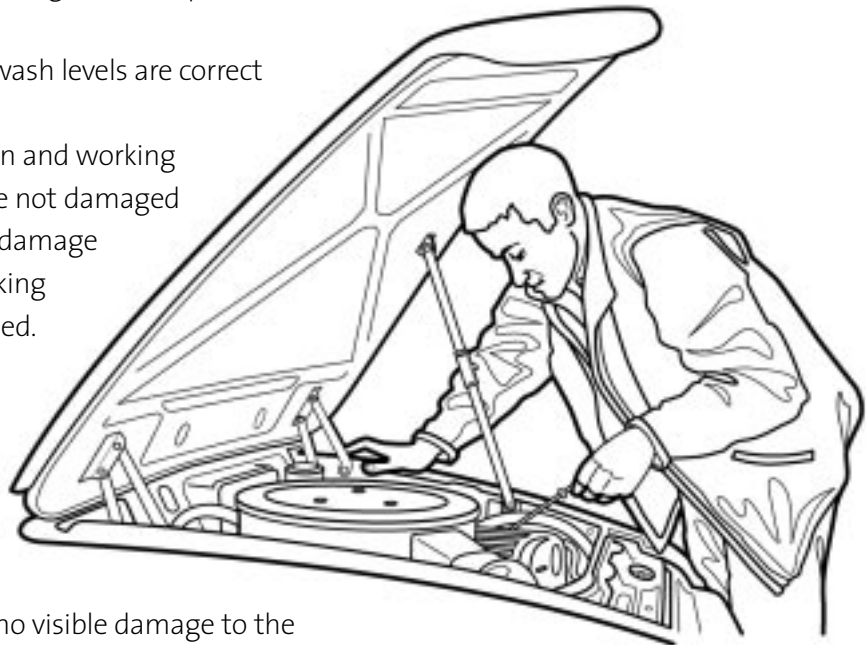
Managers should conduct (or contract an external agency to conduct) periodic visual checks of private vehicles used for work (e.g. when they are in the company's car park). If a vehicle looks to be in a shoddy condition on the outside this may be a sign of overall poor condition and maintenance and the driver should be asked to show the documents above. This is also an ideal time to check that the tax disc is valid.

Help Staff to Conduct Regular Vehicle Safety Checks

Provide a checklist to encourage staff who drive for work to conduct weekly safety checks of their vehicle. Check:

- tyres are undamaged, have enough tread depth and are at the correct pressure
- oil, coolant and windscreen wash levels are correct
- brakes are working
- lights and indicators are clean and working
- windscreen and windows are not damaged
- there are no signs of vehicle damage
- washers and wipers are working
- mirrors are correctly positioned.

In addition, staff should be encouraged to conduct pre-drive checks to ensure that tyres are properly inflated and undamaged, lights and indicators are working, there is no visible damage to the vehicle body or windows, the washers and wipers are working and the mirrors



are correctly positioned. Drivers should check their brakes are working and that all occupants are using their seat belts, their head-restraints are adjusted correctly and any loads are securely restrained before setting off.

Ensure 'Fit for Purpose'

Vehicles may be used for a variety of purposes, and so it is important to ensure that the type of vehicle used is fit for its purpose.

If the work tasks only (or mainly) involve carrying goods, specify appropriate goods vehicles. If combined loads of passengers and goods are normally carried, then the type of vehicles specified should enable goods to be secured properly and that passengers should each have a seat and seat belt. Unsecured loads in cars can greatly increase the severity of injuries to the occupants in collisions.

Record and Investigate Crashes and Incidents

Require staff who are involved in a work-related crash, including damage-only ones, to report this to their line manager even if the vehicle is privately owned. This enables, where practicable, an investigation to be conducted to determine whether the condition of the vehicle contributed to the crash, and what (if any) action is necessary to prevent repeat occurrences. Keep the organisation's insurers informed.

Monitor and Review

Conduct periodic checks of documents of a sample of drivers who use their own vehicle for work, including checks of the driver's licence, MOT certificate, motor insurance policy and service schedule for the vehicle.

Managers should discuss at-work driving, including vehicle suitability and conditions, with their drivers during periodic staff appraisals and team meetings.

Further Advice

www.hse.gov.uk/pubns/indg382.pdf – HSE Guide, 'Driving at Work'

www.rospa.com/roadsafety/info/worksafejourney.pdf – 'Driving for Work: Safer Journey Planner'

www.rospa.com/roadsafety/info/workspeed.pdf – 'Driving for Work: Safer Speeds Policy' –

www.rospa.com/roadsafety/info/workmobiles.pdf – 'Driving for Work: Mobile Phones' –

www.rospa.com/roadsafety/info/workdrinkdrugs.pdf – 'Driving for Work: Drink and Drugs' –

www.rospa.com/drivertraining – 'Managing Occupational Road Risk: The RoSPA Guide' (£25) –

www.rospa.com/roadsafety/advice/motorvehicles

www.orsa.org.uk

www.dft.gov.uk (Road Safety Section)

www.hse.gov.uk/roadsafety/index.htm

www.hpcheck.com

Company 'Own Vehicle' Policy

As part of our overall health and safety policy, _____ is committed to reducing the risks which our staff face and create when driving or riding for work. We ask all our staff to play their part.

Staff driving for work in their own vehicle must ensure that it always complies with the law, is in safe and roadworthy condition and is suitable for its purpose. Persistent failure to comply with the policy will be regarded as a serious disciplinary matter.

Senior managers must:

- lead by example, both by ensuring that their own vehicle is always in a safe condition and by not tolerating poor driving practice among colleagues.

Line managers must ensure:

- they also lead by personal example
- staff understand their responsibilities to ensure their vehicles are legal, safe and well maintained
- staff receive appropriate help and advice to ensure their vehicles are safe
- periodic checks of vehicle documents are conducted to monitor compliance of staff who use their own vehicle for work
- periodic visual inspections are conducted of staff's own vehicles that are used for work
- work related road safety is included in team meetings and staff appraisals and periodic checks are conducted to ensure our vehicle policy is being followed
- they follow the monitoring, reporting and investigation procedures to help learn lessons which could help improve our future road safety performance
- they challenge unsafe attitudes and behaviours and encourage staff to take care of their vehicles.

Staff who drive their own vehicle for work must:

- ensure that it meets our minimum safety specifications (age, additional safety features)
- ensure it is taxed and has a valid MOT
- ensure their motor insurance policy includes business use cover for the amount and type of business mileage they undertake
- ensure that the vehicle is serviced according to the manufacturer's specifications
- present the vehicle's MOT certificate, insurance policy and service schedule for inspection on request
- ensure the vehicle is not used inappropriately, (e.g. unsecured load carrying, or hazardous off-road access)
- report road safety problems, including crashes, incidents, fixed penalty notices, summons and convictions for any offence, including vehicle defects, to their line manager
- present their driving licence for inspection regularly and on request
- co-operate with monitoring, reporting and investigation procedures.

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