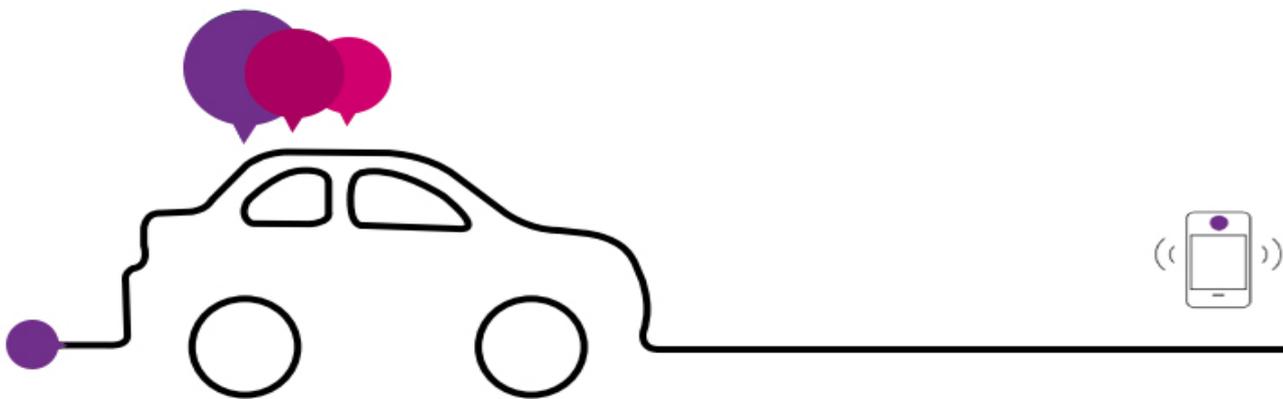




accidents don't have to happen

Driving for Work

Mobile phones



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Introduction



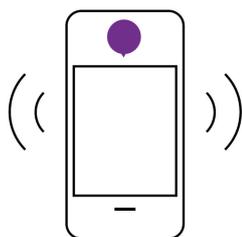
Driving is the most dangerous work activity that most people do. Over 100 people are killed or seriously injured every week in crashes involving someone who was driving or riding for work. This includes other road users, such as passengers, pedestrians and riders, as well as at-work drivers and riders themselves.

HSE 'Driving at Work' Guidelines state that "health and safety law applies to on-the-road work activities and the risks should be effectively managed within a health and safety system." Therefore, employers must conduct suitable risk assessments and ensure that:

- Work related journeys are safe
- Staff are fit and are competent to drive safely
- Vehicles are fit for purpose and in a safe condition.

Mobile Phones

Mobile phones are now used in many different ways, including to:

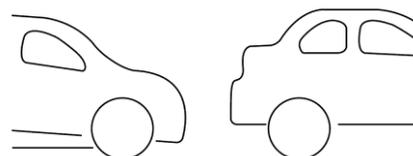


- make and receive calls
- send and read texts
- send and receive emails
- surf the internet
- take, send and receive photos or films
- use apps
- use as a satnav

High mileage and company car drivers are more likely than most to use a mobile phone while driving, and very often they are using the phone for work purposes.

However, a substantial body of research proves that using a hand-held or hands-free mobile phone while driving is a significant distraction that substantially increases the risk of crashing. Although using a hand-held phone causes the greatest distraction, using a hands-free phone does not significantly reduce the risk. It still causes distraction because the driver is concentrating on two thinking tasks at the same time and often taking their eyes off the road to look at the screen. Drivers who use a hand-held or a hands-free mobile phone:

- are much less aware of what's happening on the road around them
- Often take their eyes off the road altogether to look at the screen
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly and take longer to brake
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.



They are also four times more likely to crash, injuring or killing themselves and/or other people.

The Law

Hand-held Phones

It is illegal to use a hand-held mobile phone while driving. This includes using the phone for calls, texts, emails, photos, to go online or for any other reason. The penalty for doing so is a £200 fine and six penalty points.

New drivers, who have had their driving licence for less than two years, will have their licence revoked after a single offence, and have to obtain a provisional licence, only drive when displaying L plates and while under supervision until they have taken and passed the theory and practical driving tests again.

It is also an offence for someone (e.g., a manager) to “cause or permit” a driver to use a hand-held mobile phone while driving. Therefore, employers can be held liable as well as the individual driver if they require employees to use a hand-held phone while driving.

Hands-free Phones

Although using a hands-free phone while driving is not specifically illegal, drivers who do so could be charged with ‘failing to have proper control of their vehicle’. The penalty is a fine of up to £1,000, three penalty points and a discretionary disqualification.

Other Distractions

Although using a mobile phone while driving is one of the most common distractions, many other activities, such as eating, drinking, smoking, reading a map, as well as in-vehicle technology, can distract a driver and create a crash risk. In such cases, drivers could also be charged with ‘failing to have proper control of their vehicle’.

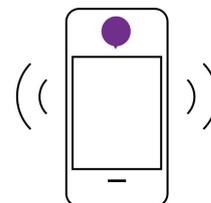
Enforcement

The police will take action against any driver who they see using a mobile phone while driving, and issue a fixed penalty notice (£200 fine and 6 penalty points) or summons them to court where they are likely to receive a more stringent penalty on conviction.

The police also check phone records when investigating fatal and serious crashes to determine if a driver was using a phone. If they were, the courts normally treat this as an aggravating factor when deciding the level of sentence (including imprisonment if someone was killed or seriously injured) to impose because the driver was avoidably distracted.

Employers who require their staff to use any mobile phone while driving for work could be prosecuted under health and safety law if an investigation determined that using a phone contributed to a crash. Victims could also pursue claims for compensation in the civil courts.

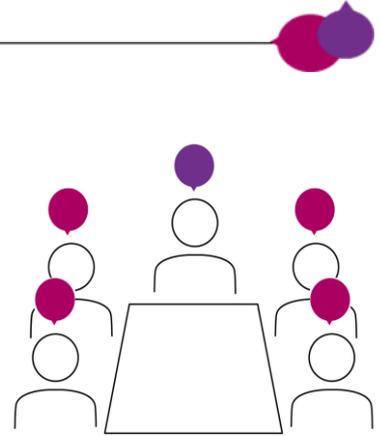
This guide gives simple advice on how employers and line managers can ensure their staff do not use a mobile phone when driving for work. An example ‘Mobile Phones and Driving Policy’ is attached. This can be adopted as written or adapted to suit your organisation’s needs, as a stand-alone policy or incorporated into a wider ‘Driving for Work’ policy.



Clear Policy & Procedures

Employers can enjoy the business and communication benefits of mobile phones, without creating the financial and safety risks of their staff using mobile phones while driving for work. There are good business reasons for employers to provide mobile phones or reimburse the cost of work calls made on private phones.

There are also good health and safety reasons for lone workers and staff who travel in areas where summoning help (if they breakdown, for example) may be difficult. But, staff should be clear that they must not use the phone while driving; phones can take voice, text and email messages, which can be viewed and returned when the driver is stopped in a safe place, with the engine switched off.



Expect Safe Driving

Ensure all staff, including senior managers and line managers, understand that the organisation expects everyone who drives for work to drive safely for their own, and others' benefit.

Make sure that line managers understand that they must not expect their drivers to pick up calls or messages from them while they are driving.

No Mobile, While Mobile

Make sure that the policy clearly states that anyone driving on company business, whether in a company vehicle, their own vehicle or a hire vehicle, should never make or receive calls, send or read texts or emails, take, send or view photos or films, use Apps or surf the internet on a mobile phone, or any similar device, while driving.

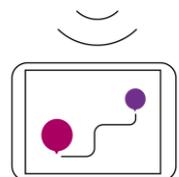
Advise drivers, and their managers, to set phones to voicemail and to retrieve and respond to messages during breaks. Ideally, phones should be switched off and put out of reach (e.g., in the glove compartment), so the driver is not tempted to switch it on or to answer it if it rings.

Hands-Free Phones

RoSPA strongly advises that this policy applies to both hand-held and hands-free phones because using a hands-free phone while driving is a significant distraction that substantially increases the risk of crashing. They require the driver to concentrate on two complex tasks at the same time, and tempt drivers to take their eyes of the road and onto the screen.

If your vehicles are fitted with equipment to facilitate the use of hands-free phones, make it clear to drivers that they must not use these phones while driving and that they understand why not.

A hands-free phone can be used as a SatNav, but only while securely held in a cradle, and the route has been programmed before the journey. If a driver needs to input new directions, they should only do so when parked in a safe place, with the vehicle engine switch off.



Lead by Example

Senior Managers, from the head of the organisation down, should lead by personal example by not using a mobile phone while they are driving themselves.

Plan Safer Journeys

Ensure that journey plans include time and places to stop for rest and refreshment, and to check messages and return calls. For further advice see '[Driving for Work: Safer Journey Planning](#)' which is available free from RoSPA.

Other Driver Distractions

The policy should include other types of distraction and advise drivers not to eat, drink, smoke (which is illegal in company vehicles), read a map or use any vehicle technology that might distract them while driving.

Police Co-operation

Make it clear to staff that the organisation will co-operate with police enquiries resulting from a crash and will supply to the police all relevant information on the employee to whom the vehicle is allocated or if someone else was driving at the time, their details.

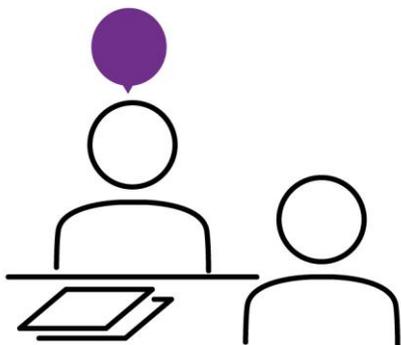
Disciplinary Procedures

Staff and managers should understand that using a mobile phone while driving will result in disciplinary proceedings and persistent failure to follow this policy will be regarded as a serious matter.

Communicate



It is crucial to communicate your policy and procedures to all staff on a regular basis, using the full range of your internal communication methods, and as part of recruitment, training and staff appraisals, remind drivers and line managers about the:



- dangers of using a hand-held or hands-free mobile phone while driving
- organisation's policy on mobile phone use
- need to let the phone go to voicemail, or to switch the phone off while driving, and to stop in a safe place to check messages, or to allow a passenger to use the phone
- fact that good communication can easily be maintained without using a phone while driving
- importance of line managers not expecting staff to make or receive calls when driving
- consequences that could result from using a mobile phone while driving.

Education Materials

The Department for Transport's Think! Road Safety campaign produces free publicity materials about mobile phones and driving which can be downloaded from [Think! Road Safety](#) and the [Think! Shop](#).

Advice and resources can also be downloaded from the Help and Advice section of the [ORSA website](#) and from the Road Safety section of [RoSPA's website](#).

Consider supporting the RAC's [Be Phone Smart](#) campaign.

Educate Line Managers

It is crucial that all managers, supervisors and team leaders are trained to manage work related road safety as part of their health and safety responsibilities. It's crucial that they understand that they should not expect to be able to speak to their drivers while they are actually driving.

Managers should lead by personal example and not use a mobile phone while driving. They should also monitor that their staff are actually implementing the procedures properly and provide regular opportunities for them to raise issues or concerns.

Monitor

Check that your procedures are actually being followed in practice. It is important to record that procedures (for example, if the company provides or funds mobile phones for some staff, consider making periodic checks of the phone records and whether the phone was used when the staff member was likely to have been driving) so you can demonstrate that the mobile phone policy is actually being implemented.

Encourage drivers to raise concerns with their line manager, and encourage line managers to respond positively. This will help to identify and manage the factors that make drivers more likely to use a mobile phone while driving. Staff should be encouraged to report any pressure from managers or customers to use a phone while driving. Be aware that some staff, especially younger employees or those new to the company, may not feel able to raise concerns for fear of jeopardising their relationship with the company or their manager.



Record and Investigate Crashes and Incidents

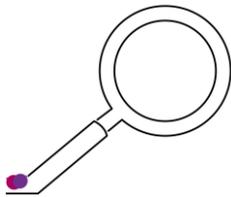
Require staff who are involved in any crash or damage-only incident when driving at work (in their own, a hire or company vehicle) to report this to their line manager. Check if the driver was using a mobile phone, and if so what action is necessary to prevent repeat occurrences. If the company provides the phone, a check could be made against the phone bill.

Review

Review Work Practices

Review work practices to ensure they do not pressurise or encourage staff into using a phone when driving.

Benchmark Your Performance



Use the free Fleet Safety Benchmarking Tool at www.fleetsafetybenchmarking.net to compare your organisation against others. It automatically provides a personalised report with feedback on the results. Benchmarking is an effective way of improving work-related road safety, identifying good practice and cost savings. It also supports compliance with legal requirements and standards such as ISO39001.

Example Mobile Phones and Driving Policy



As part of our overall health and safety policy, we are 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, especially by never making or receiving calls, sending or reading texts or emails, taking or viewing photos, going online or otherwise using a hand-held or hands-free mobile phone while driving.

Senior Managers must:

- Lead by example, both in the way they drive themselves and by not tolerating poor driving practice among colleagues.
- Never use a mobile phone while driving.

Line Managers must ensure:

- they also lead by personal example
- they do not expect staff to answer calls, or otherwise use a mobile phone when they are driving
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving
- staff switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone
- staff plan journeys to include rest stops which also provide opportunities to check messages and return calls
- work practices do not pressurise staff to use a mobile phone while driving
- compliance with the mobile phone policy is included in team meetings and staff appraisals and periodic checks are conducted to ensure that the policy is being followed
- they follow our monitoring, reporting and investigation procedures to help learn lessons which could help improve our future road safety performance
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example by never themselves using a phone when driving.

Staff who drive for work must:

- never use a hand-held or hands-free phone while driving
- plan journeys so they include rest stops when messages can be checked and calls returned
- ensure their phone is switched off and can take messages while they are driving, or allow a passenger to use the phone
- co-operate with monitoring, reporting and investigation procedures

Further Information and Support



[Driving at Work HSE Guide](#)

[HSE Work Related Road Safety](#)

[Occupational Road Safety Alliance \(ORSA\)](#)

[Scottish Occupational Road Safety Alliance \(ScORSA\)](#)

[RoSPA Driving for Work Guides](#)

[RoSPA Mobile Phones and Driving Factsheet](#)

[RoSPA Fleet Safety](#)

[Driving for Better Business \(DfBB\)](#)

[Highways England](#)

[Road Safety GB](#)

[The Highway Code](#)

[Think! Road Safety](#)

[Road Safety Scotland](#)

[Road Safety Wales](#)

[Fleet Safety Benchmarking](#)

[RoSPA Advanced Drivers and Riders](#)

[Department for Transport](#)

[Be Phone Smart](#)



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