

USE OF VEHICLES AT WORK POLICY

1.0 INTRODUCTION

1.1 This policy describes how ARK Housing Association Ltd (ARK) recognises, as an employer, it has a duty under the Health and Safety at Work etc Act 1974 to ensure, so far as is reasonable practicable, the health, safety and welfare of its employees, service users and third parties with regard to the use of vehicles for work activities.

1.2 This policy has been introduced as the ARK's response to the general duty of care when using vehicles as defined in section 4 below.

The policy describes the responsibilities and duties of employees when driving or travelling in a vehicle in association with ARK work, and of service users when being supported to travel in vehicles.

1.3 This policy has the following sections:

Part One – Policy

Part Two - Guidance

Part One – Policy

- Section 1 - Introduction
- Section 2 - Scope of policy
- Section 3 - Legislation
- Section 4 - Definition
- Section 5 - Implementation
- Section 6 - Roles, responsibilities and duties
- Section 7 - Procedures
- Section 8 - Definitions
- Section 9 - Implementation and review

1.4 This policy complies with: Regulatory Standard of Governance and Financial Management 5.3 and 5.4.

2.0 SCOPE OF POLICY

2.1 This policy applies to all ARK employees (including relief employees), agency staff, and Board Members.

3.0 LEGISLATION

3.1 Health and Safety at Work etc Act 1974

There is no specific health and safety legislation relating to the use of vehicles at work. This comes under the general duty of the Health and Safety at Work etc Act 1974.

3.2 The Management of Health and Safety at Work Regulations 1999

These regulations place a general duty on employers to assess the risk from emergency situations which may occur in connection with their work, and to provide measures to eliminate or reduce the effects of that risk.

3.3 The Road Traffic Acts 1988 and 1991

The Road Traffic Act contains requirements for the use and condition of vehicles. All drivers and vehicles on ARK business will comply with these requirements which include having valid road tax, having a valid driver's licence, vehicle roadworthiness, being fitted with seatbelts (where required), driving requirements e.g. following speed restrictions, parking regulations etc. It also covers the use of child 'restraints' in vehicles e.g.. child seats and child booster seats

Local Authorities also have specific requirements relating to parking restrictions. It is the responsibility of the driver to ensure that all regulations etc. are adhered to. ARK will not recompense any driver for parking or speeding fines.

4.0 DEFINITION

4.1 The vehicles this policy covers are:

- private vehicles approved for using on ARK business;
- service users' private vehicles;
- private and public hire vehicles.

Detailed definitions are given in section 8 below.

5.0 IMPLEMENTATION

5.1 This policy and guidance will be implemented in accordance with ARK's Health and Safety Policy which describes the responsibilities of the organisation, managers and employees. The Health and Safety Manual provides additional details and guidance on responsibilities.

5.2 Any breaches of the policy should be reported to an employee's manager.

5.3 Breaches of this policy will be viewed seriously and will be dealt with in accordance with ARK's Disciplinary Policy and Procedures. The severity of discipline will reflect the fact that non-compliance breaches not only ARK's Use of Vehicle Policy but also the Health and Safety Policy and the law.

6.0 ROLES, RESPONSIBILITIES AND DUTIES

6.1 Directors and Senior Managers

Directors and Senior Managers should ensure that they:

- implement and operate this policy in respect of all vehicles used for and in connection with ARK's work activities;
- inform all employees of the requirements of this section of the Health and Safety manual;
- have made suitable arrangements for employees to comply with the requirements of this policy;
- conduct all required risk assessments and review these regularly.

6.2 ARK Managers

ARK managers are responsible for the implementation and operation of this policy in respect of all vehicles within their remit. ARK managers should ensure that:

- all employees managed are informed of the detail of this section of the Health and Safety Manual;
- the requirements of this section of the Health and Safety Manual are complied with by employees;
- any breaches of these requirements are handled in accordance with HR policies;
- all necessary risk assessments are completed and available for relevant employees to view;
- any procedures developed for the ease of implementing this policy are followed e.g. spot checking vehicle paper work and completing Driving for ARK Agreement etc.

6.3 Employees

All employees have a responsibility to ensure that they are complying with the health and safety procedures and requirements appropriate to their job. To achieve this employees should:

- know what any specific arrangements are;
- advise their Line Manager of any difficulties in complying with the arrangements;
- make available their licence and vehicle documents for spot checks by managers
- keep their vehicle in a roadworthy condition as required by road traffic legislation

7.0 PROCEDURES

7.1 Seatbelts

Seatbelts should always be worn by every occupant of the vehicle when travelling in vehicles fitted with them - this is a legal requirement and the driver or support worker can be held responsible for passengers not wearing a seatbelt. This includes children wearing, or in, an appropriate vehicle child restraint.

Journeys should not be started until seatbelts are fastened and if a seatbelt is released during a journey you should stop at the nearest safe place and not re-commence the journey until the seat belt is fastened.

If someone refuses to wear a seatbelt then the reason should be determined and resolved.

When a service user persistently will not wear a seatbelt during support work in vehicles, there should be no support work carried out using vehicles until the issue is resolved. This should be discussed with relevant people and included in the Good Life Plan, Risk and Vulnerability Assessment or a Management Plan if required.

The above applies to all vehicles where seatbelts are fitted including cars, taxis, minibuses and coaches.

7.2 Mobile phones, Satellite Navigation systems, other equipment or activities while driving.

It is an offence (dangerous driving) to drive while using a hand held mobile phone. If you are driving and your mobile phone rings you must stop at a suitable location before you answer it.

Using hands free mobile phones may also incur a fine if distracted or could be regarded as a chargeable offence if involved in an accident when using whilst driving.

ARK has a staff generic risk assessment (HS03) and the precaution identified is that mobile phones, whether hand held or hands free, will not be used whilst driving on ARK business.

This includes altering other equipment such as 'Sat Navs' or changing radio stations etc and eating or drinking whilst driving.

7.3 Private Hire vehicles e.g. cars, minibuses etc

Private hire vehicles should only be hired from recognised, reputable companies.

Where the vehicle is self-drive the driver e.g. Support Worker, service user, family member etc should hold a current appropriate licence.

Where the vehicle is self-drive you should check the vehicle as per guidance given in Part Two of this policy.

7.4 Private vehicles

The driver e.g. support worker, service user, family member should hold a current appropriate licence;

The vehicle should be suitably insured and have valid road tax;

The vehicle should be in a roadworthy condition and should have a valid MOT where required;

Regular checks of the vehicle should be carried out as described in part two of this policy.

7.5 **Public Hire vehicles e.g. taxis, buses etc**

Only reputable companies should be used for public hire vehicles. The wearing of seatbelts also applies to travelling in public vehicles

7.6 **Drivers and vehicle checks**

All employees required to drive as part of their employment with ARK should have their licence checked at pre-employment or before any driving activities are undertaken. Part Two of this policy gives details of what, where and frequency of checks are recorded.

A valid MOT certificate is required for vehicles 3 years and over.

Evidence of valid Road Tax for vehicle.

Insurance spot checks should also be carried out:

- for employees' vehicles – that business use is included
- for service users' or family vehicles – that other drivers are included e.g. support workers (not necessarily as named individuals).

7.7 **Reimbursement of Costs**

In the event of an accident, or damage to an employee's car being used in connection with ARK business, whether or not in use (eg parked at a local service), ARK may consider contributing towards any insurance excess payable by the employee, if this cannot be recovered through the insurance claims process, subject to a maximum of £100. Following an accident or damage to their car, should an employee choose to pay for repairs to damage themselves, rather than submitting an insurance claim, ARK may similarly consider a contribution towards those costs, subject to a maximum of £100.

Any employees seeking reimbursement for costs associated with accidents or damage should submit full written details (and any documentary evidence) to their ARK manager who will in turn if necessary pass the claim to the relevant member of ARK's Senior Leadership Team for consideration. Key factors in approving such a payment will include whether the employee is able to evidence that the damage claimed for occurred during working hours.

If the member of ARK's Senior Leadership Team decides that it is not possible to approve such a payment, it will be possible for the relevant employee to appeal this decision to ARK's Executive Team, but the decision of the Executive Team on this matter will be final, any damage to vehicles should also be covered by the employee's or service user's vehicle insurance, as appropriate.

For employees' vehicles, general wear and tear to employees' vehicles is covered within the mileage allowance or car allowance, whichever is applicable.

ARK staff, and not ARK, will be responsible for any contraventions of the Road Traffic Act, parking charges or fines which they incur when driving either their own or service users' cars at work.

ARK will reimburse expenses as per HR32 Expenses and Allowances Policy for mileage etc.

7.8 **Service User Good Life Plan and Risk and Vulnerability Assessment**

The use of vehicles should be included in the service user's Good Life Plan and Risk and Vulnerability Assessment.

Employees' work task risk assessments should include the use of vehicles.

7.9 **Children in vehicles**

When children are travelling in vehicles they must be protected by a suitable child restraint. The driver is responsible for ensuring that the correct child restraint and/or seatbelt is fitted and used before any journey commences. The child restraint should be fitted into an appropriate seat within the vehicle taking account of the possible presence of airbags. Where an airbag cannot be deactivated another seat within the vehicle should have the child restraint fitted to it.

This policy applies to any child ARK supports or any child passenger in a vehicle being used in connection with ARK work activities.

8.0 **DEFINITIONS**

Private Hire Vehicles – vehicles hired out specifically for ARK activity, e.g. minibuses, cars, coaches.

Private vehicles – vehicles owned by an employee, a service user or their family.

Public Hire vehicles – vehicles used generally by the public e.g. trains, buses, taxis

Child Restraints – The term child restraints applies only to the equipment used in vehicles to ensure children are safe when they are travelling in vehicles. The equipment includes child seat and child booster seats.

NOTE – does not refer to any other kind of restraint only as above

Child – as per Road Traffic legislation – see HS22 Guidance

9.0 **IMPLEMENTATION AND REVIEW**

9.1 The Chief Executive is responsible for ensuring that this policy, and the procedures that support it, are followed by all employees and Board Members.

9.2 The Chief Executive will ensure that this policy is reviewed at least every three years, and that any amendments required are submitted to the Board of Management for approval.

Approved by ARK Senior Management Team: May 2018

Approved by ARK Board of Management: June 2018

Next review due by: June 2021

This policy complies with: Regulatory Standard of Governance and Financial Management 5.3 and 5.4

LIST OF RELATED POLICIES & PROCEDURES

Policies

HS03 Risk Assessment policy

Procedures

HS22 Use of Vehicles At Work - Guidance
HS22 Use of Vehicles at Work - Document Check Form
HS22 Use of Vehicles at Work - Briefing Sheet
HS22 Driving for ARK Agreement