

# the BVRLA guide to driving at work



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Promoting responsible road transport



# contents

## Acknowledgements

**No guide such as this can address a subject such as dealing with employee's health and safety whilst at work, without expert help and guidance. The BVRLA therefore gratefully acknowledges the support and assistance provided by Eversheds LLP who have been tireless in their checking and review of the contents of this BVRLA Guide to Driving at Work.**

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# foreword

**Around one in three road accidents involve a vehicle being driven for work. In financial terms this is costing UK industry over £2.5 billion each year, but it is the human cost that is most frightening – around 200 work related deaths or serious injuries every week.**

According to RoSPA, employees who drive more than 25,000 miles a year have at least a one in 8,000 chance of dying behind the wheel of their company vehicle, a risk similar to that of a miner dying at the coal face.

Some employers assume that they are doing enough by ensuring that their employees' cars hold a current MOT and that their drivers are properly licensed and are advised to obey all traffic laws and regulations. This is not so. Health and safety law applies equally to on-the-road work activities as it does to the conventional workplace and a proper evaluation of risk must be undertaken.

Similarly, experienced drivers who cover thousands of miles each year up and down Britain's motorways assume that they know all there is to know about road safety. The fact is that they have a 53% higher risk of being involved in an injury-causing accident than the average motorist.

Every person driving at work presents a risk, and this risk must be effectively managed by any organisation. This 'duty of care' is about ensuring that qualified, well-trained drivers are using safe, regularly maintained vehicles. It is about employees not being forced to drive under time pressure, for long hours, when tired or while answering or making phone calls.

This guide provides some key advice for those managing road-related health and safety. The information is equally applicable to drivers covering many miles each day or just a few each month. All employees who drive at work, regardless of their motoring experience, should read it. The perfect driver does not exist, and there are plenty of statistics to prove it.

HRH Prince Michael of Kent, GCVO

Patron, Road Safe



# introduction

**The latest figures show there has been a reported reduction in people killed or seriously injured on Britain's roads: As of 2008, it was 33% below the 1994-1998 baseline, against a 40% target by 2010.**

This guide aims to present the risks associated with driving at work and what can be done to minimise them. The introduction of the Corporate Manslaughter and Corporate Homicide Act 2007 has helped push the management of workplace health and safety up the employer agenda. At the same time, more and more organisations are getting the message that this 'duty of care' in the workplace extends to any vehicle being used for business.

The BVRLA Guide to Driving at Work should be read by everyone who is involved with driving on business. It offers advice that will be helpful in putting together a company policy on corporate social responsibility in terms of driving at work, a policy which should be robust, demonstrable and auditable to show that an employer has taken all reasonable steps to protect their employees and other road users.

It is divided into three main sections covering the vehicle, the driver and the journey.

The Guide is not intended to represent specific legal advice and should not be a substitute for an employer seeking assistance from a lawyer in relation to the organisation's particular circumstances. There is an increasing 'duty of care' on employers which has rapidly become synonymous with road safety while driving on business.





## the legal framework

**This guide is not intended to discuss health and safety law in detail. However, employers will be assisted by understanding the legislative framework within which health and safety regulations apply.**

**Remember that the health and safety considerations are primarily (though not solely) a concern for employers in the context of work-related driving. Road traffic legislation will still apply to drivers on an individual basis and in some instances to employers. This Guide does not cover road traffic legislation.**

Under the Health and Safety at Work Act 1974, an employer has two key duties:

- 'to ensure, so far as is reasonable practicable, the health, safety and welfare at work of all his employees'
- 'to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected by it are not thereby exposed to risks to their health or safety.'

In addition to the principal duties, there are many subsidiary health and safety regulations that apply to employers, covering topics as diverse as risk assessment, training, manual handling, dangerous substances, working at height, work equipment and display screen equipment, to name but a few.

An employer in breach of these duties may be liable to enforcement action by the Health and Safety Executive (HSE) or another relevant enforcing authority (usually a local authority). Enforcement action is typically a prosecution resulting in a financial penalty. Increasingly, significant fines are being imposed for serious health and safety breaches.

The Corporate Manslaughter and Corporate Homicide Act 2007 came into force in April 2008. For the first time companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of a duty of care. For example, if an accident occurred and it became apparent that there was a breach of the Health and Safety at Work Act then the company could be held accountable.

This Act introduces a new definition of senior management which is defined as the persons who play significant roles in:

- the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
- the actual managing or organising of the whole or a substantial part of those activities.

Therefore, anyone who plays a significant role in the above will need to consider how to ensure that the organisation has a robust policy to cover any employee who will be driving at work.

The BVRLA publishes a Fact Sheet on the Corporate Manslaughter Act which can be accessed from the following link: [www.bvrla.co.uk/Advice\\_and\\_Guidance/Fact\\_Sheets.aspx](http://www.bvrla.co.uk/Advice_and_Guidance/Fact_Sheets.aspx), then click on Corporate Manslaughter Act.



## the legal framework (continued)

The Health and Safety Offences Act 2008 increases the penalties and provide courts with greater sentencing powers for those who break health and safety law. It does not impose any new duties on employers or businesses. The effect of the Act is to:

- raise the maximum fine which may be imposed in the lower courts from £5,000 to £20,000 for most health and safety offences;
- make imprisonment an option for more health and safety offences in both the lower and higher courts.



# the vehicle

**Here we look at all aspects of the vehicle being used for business. This section covers the selection of the vehicle in the first place and includes important safety features, insurance, maintenance and loading.**

## Selection of Vehicle

The vehicle must be suitable and safe for the employee and the type of business trip(s) they are expected to undertake. Compiling a check list of the key features each vehicle should have will help to ensure that the vehicle is suitable for the purpose for which it is to be used. Factors such as body style, ergonomics, equipment, load capabilities and seating positions (to ensure drivers' posture etc) should be included.

Other things to take into account include front or side airbags for front seat passengers and anti-lock brakes. You may wish to consider the merits of introducing a bhp/tonne limit or a bhp/driver age limit to restrict or exclude high performance vehicles.

Some businesses now include in their consideration the star rating that the vehicle reached in the European New Car Assessment Programme (Euro NCAP) crash tests together with the vehicle's whole life costs. ([www.euroncap.com](http://www.euroncap.com)). Unfortunately, there is no equivalent safety ratings for vans but manufacturers may be able to assist you further with regards to this type of information.

There are other environmental influences which may effect the selection of vehicles. For example, vehicles emitting under 120g/km of CO<sub>2</sub> enjoy very low or no vehicles excise duty and lower personal rates of tax for employees.

There is a vehicle selection check list at Annex A.

## Vehicle Technology

You may also want to consider what other technology could be used in the vehicle to ensure your employees are safe, however, it is important that before deciding upon any additional equipment you consider the costs, benefits and risks of the technology. You may also wish to consider the impact on the environment of vehicle technology, some technology may help improve fuel efficiency and therefore reduce costs and your carbon footprint.

If monitoring technology is being considered it is important that all staff are consulted and it is made transparent how the data will be used and handled. Contracts of employment will possibly need reviewing and updating to take into account the data which is recorded.



## the vehicle (continued)

Additional technology which you may wish to evaluate when determining your vehicle policy includes:

- Driver Assistance and Safety Systems
- Electronic stability control
- Adaptive cruise control
- Lane departure warning systems
- Blind spot information systems
- Reversing and parking aids
- Adaptive front lighting systems
- In-Vehicle Information Systems
- Satellite navigation
- In vehicle telematic systems
- Speed warning devices
- Driver fatigue monitoring systems
- Tyre pressure monitoring systems
- Brake assist

### Monitoring Devices

Vehicle monitoring devices which look at many aspects of a vehicle's operation, such as its peak and average speeds, RPM, seatbelt use, distance and time driven, and harsh braking and accelerating.

Event data recorders which record data, for example the vehicle's speed steering wheel movement, braking etc about what the vehicle was doing immediately before any incident.

### Telematics and monitoring devices

Telematic systems can help with compliance relating to duty of care responsibilities, for example if you have a system in place which can provide you with data on driving style and you record your response to this data this will assist with compliance responsibilities and possibly improved fuel economy.

Several telematics companies have developed duty of care modules to help meet this kind of need, for example:

Armour Fleet-Trac – Armour provides a unit which includes a web access software programme for your fleet and drivers details. All data, fleet management, reports, claims data, and built in risk management can be accessed via the programme.

The vehicle data is GPRS transmitted and offers the following:

- Ignition on/off
- Location time
- Accident/Incident data
- Live location mapping
- Journey and cumulative mileage





## the vehicle (continued)

**Case Study**  
**Midlothian Commercial Services have been operating a telematics system on their fleet of gritters, since October 2004. When one of their vehicles was involved in a road traffic accident with a member of the public, their telematics system enabled them to prove that their driver was behaving correctly due to the evidence as to the vehicle's activity at the time of the accident. The telematics system therefore avoided them incurring costs liaising with third parties to ascertain blame and paying repair costs if blame could not be established.**

Eagle-i – The company has developed a Telematics Enabled Risk Management (TERM) system which involves the use of a data chip in a black box which records acceleration, deceleration and cornering as many as 256 times a second. The data is continuously analysed, providing a qualitative and quantitative measure of driver behaviour. Employers can set acceptable standards of driver behaviour and generate exception reports. The data logging function has the potential to be an accident data recorder by providing data on what the vehicle and driver were doing up to the point of any impact.

The systems can be easy to deploy as many units are now cheap, reliable, portable and self contained, which means they can be easily transferred to a temporary short term hire vehicle for example.

### Vehicle Records

Inspection, Testing and Maintenance

You must be satisfied that all vehicles being used in conjunction with your business are properly maintained to an acceptable and safe standard, normally in line with the manufacturers' recommendations. There should be systems in place to ensure that all the planned maintenance has been carried out by a competent agent and documented.

It is recommended that employers outline the preventative vehicle maintenance and safety measures that employees should undertake on a daily or weekly basis. For example, has the driver been advised to check the oil level and tyre pressures and does he/she know how to carry out these basic checks? You may request that your employees complete a daily or weekly check log which can be kept in the vehicle ready for inspection. Guidance should be provided to employees on how to record and report any defects.

A sample checklist has been provided at Annex B.

MOT

There should be a system in place to check that all passenger vehicles and vans over three years old have a current MOT. This should extend to privately owned vehicles used for business as well. If you are directly responsible for the vehicle's maintenance, it would be advisable to have a system that ensures that the MOT test is undertaken before its expiry date. This will allow sufficient time to accommodate any remedial work which may be required following an MOT failure. An MOT



## the vehicle (continued)

assesses a vehicle at a point in time but gives no guarantee of ongoing safety. This makes it essential that a company constantly monitors the performance and condition of all vehicles but particularly those that are older or covering higher mileage. It therefore might be appropriate for vehicles to be regularly inspected to ensure they are safe.

### **Vehicle Load and Equipment**

Employees should be provided with guidance on how to ensure that the maximum load weight for the vehicle is not exceeded. Any goods and equipment which are to be carried in a vehicle, for example loose tools and sample products, should be able to be properly secured.

The Health and Safety Executive have a fact sheet which may be useful for your drivers to be familiar with in relation to loading and unloading, it can be accessed from the link below:

[www.hse.gov.uk/workplacetransport/factsheets/loading.htm](http://www.hse.gov.uk/workplacetransport/factsheets/loading.htm)

### Towing trailers

If an employee is required to tow a trailer, it is important that guidance is issued on the safe use of the trailer. The first area for consideration is the weight which can be towed, the trailer may contain guidance and the vehicle manufacturer's plate will provide further information on the towing weight.

Before the start of any journey, the driver or another competent person within the organisation should ensure that:

- the load is distributed evenly
- the trailer is not overloaded
- the load is secure
- the lights are undamaged and working correctly
- the 7 or 13 core cable and plug is undamaged
- a breakaway cable or secondary coupling is used. Make sure this is undamaged and correctly connected (refer to manufacturer's advice)



## the vehicle (continued)

- the tyre pressures are correct and the tyres are undamaged and the tread depth is legal (remember to also check the towing vehicle)
- the wheel nuts/bolts are tightened to the correct torque (remember to also check the towing vehicle)
- the trailer is correctly coupled to the towball or pin (refer to manufacturer's advice)
- the coupling height is correct
- there are secure mudguards on the trailer

During the journey the following should be remembered:

- Always keep within the legal speed limits, your capabilities and the road and weather conditions at the time.
- If the trailer starts to snake or swerve, ease off the accelerator and reduce speed gently. This is an indication that you are going too fast or the trailer is wrongly loaded.
- Do not brake harshly on a bend as this will make the trailer unstable. Reduce speed in plenty of time when approaching any hazard.

### **Privately Owned Vehicles – The Grey Fleet**

The grey fleet is defined as any vehicle which an employee undertakes a business trip in, the vehicle could be their own car, one they have purchased using a cash allowance or other personal finance scheme. They are not necessarily company car drivers who would naturally be identified through the payment of benefit in kind.

If a scheme is offered where employees can take a cash allowance rather than a traditional company car, then these employees need to be covered by the health and safety policy as well. Contrary to some misconceptions, employers cannot simply provide a car allowance in order to deflect their duty of care responsibilities towards employees who use their own privately-owned vehicles. Given the age profile of private vehicles, there is a strong case for employers to be even more vigilant and involved where employees are using their own vehicles for work.

Employers may wish to consider reviewing mileage rates to make using privately-owned vehicles a less attractive travel



## the vehicle (continued)

option, particularly for long journeys. This might include:

- reviewing the levels of the mileage rates and/or lump sum cash alternatives and the existing qualification requirements: e.g. are mileage rates protected as part of employee terms and conditions; do all employees qualify as 'essential' users for the lump sum and/or higher rate, or is a minimum standard of 'critical need' imposed?
- specifying 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 rental vehicles 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.

Research conducted on behalf of the Office of Government Commerce showed that the average age of an employee-owned car used for business is 6.7 years, compared with 6 months for a daily hire car and 1.5 to 2 years for a lease vehicle. This research also compared the cost of an employee using his/her own car on company business with other methods of transport available:

Method	Grey Fleet	Public Transport	Spot Car Hire	Lease Car
<b>Explanation</b>	40p/mile	Standard rail, booked in advance	Astra sized, petrol, deliver/collection	£2,000 for 10,000m 12p/m
<b>Miles</b>	240 mile trip between London and Bristol			
<b>Cost</b>	£96	£49	£50-60	£76
<b>Savings</b>		£47	£36-£46	£20

Some leasing companies can provide a bespoke solution to incorporate vehicles that are privately owned. Employee Car Ownership Schemes may prove to be of benefit to some employees. It is recommended that you discuss your needs with a leasing company to see whether this can sufficiently accommodate your duty of care obligations, especially where you wish to have a more controlled driver environment.



## the vehicle (continued)

**Case Study**  
**The Environment Agency investigated the use of employees own car for business purposes and concluded that 16% of their total mileage was carried out by the grey fleet. They changed their policy to only allow employees to use their own cars for journeys under 100 miles. They achieved health and safety benefits in moving employees from their own vehicles to newer hire cars with up-to-date safety features (air bags, ABS) and transferring responsibility for vehicle maintenance to hire car companies.**

Given that privately owned vehicles fall outside the sphere of the managed company car, employers will need to have processes in place to ensure that employees using their own vehicles on business are properly insured for business use, carry a valid MOT and tax disc and that their car is fully maintained.

Employers may wish to reach written agreement with their employees on minimum conditions of use, this could include:

- Ensure that the vehicle is properly taxed, has a valid MOT, valid insurance for business use and is serviced according to the motor manufacturer's recommendations
- Show prior to first use of a privately owned vehicle (and at specified intervals thereafter) documentary proof of the above. An option here could be to make it part of a company policy that expense claims on fuel will only be paid out where consent has been given for the vehicles to be used on company business.
- Agreed to conduct regular vehicle safety checks
- Not to carry loads for which the vehicle is unsuited
- Not to carry hazardous materials
- Not to use the vehicle in conditions for which it is not designed (e.g. off-road)

### Fit for the Purpose

The employer needs to be satisfied that the vehicle is not just safe to use, but that it is suitable for the type of business trip(s) that the employee is expected to undertake. This will inevitably prove difficult, especially as the employer has less control or influence over the type of privately owned vehicle to be used. A daily rental vehicle will offer the assurance of being fully maintained and will give the employer control over the suitability of the vehicle for the business trip(s) to be undertaken by the employee, in addition a rental vehicle will be a new vehicle and therefore less polluting. There are also clear advantages of not having to check and verify all private vehicle documents as described above.

### Vehicle Breakdown

Employees need to be aware of the advice and support employers offer in the event of a vehicle breakdown and know how to get help if a problem arises. If the vehicle is a company car, then you will want to ensure that the incident was not a roadworthiness related matter. If it was, you will want to take steps to avoid similar situations from occurring in the future.





## the vehicle (continued)

Employers may also want to consider checking if employees using their own vehicle on company business have adequate breakdown cover in place and if not consider ensuring that the employee upgrades to suitable cover.

### **Pool Vehicles**

Records should be kept of who uses each and every pool vehicle, the date and time of use, with a signing in and out procedure for each trip made. Employees should be advised of the basic checks that should be carried out prior to starting the journey – a simple visual check should be mandatory. If a problem or defect is identified by a driver, then there should be a clear reporting process so that the necessary remedial steps can be taken.

### **Vehicle Insurance**

Several types of motor insurance cover exist, although all British motor insurance policies must provide cover against liability in all EU Member States, which may be withdrawn if vehicles are not kept in a roadworthy condition or if the vehicle is driven illegally.

Third party insurance covers claims made by third parties, although this is often extended to provide cover against fire and theft, as well.

Comprehensive insurance provides additional cover for the cost of repairs resulting from damage to the covered vehicle.

There are only a few large underwriters left in the market and these insurers have become more selective as part of their risk profiling about which fleet operators they will insure and are more proactive in encouraging fleet operators to better manage their risks. Several insurers suggest that the monitoring and recording of accidents could aid prevention in the future. To measure performance, written procedures on accident recording should be formulated and communicated to all drivers.

Insurers recommend the adoption of the following key principles:

- A clear and precise accident reporting system
- The completion of both accident assessment and claim forms
- The cause of the accident is established through an interview between the risk management co-ordinator and the driver.



## the vehicle (continued)

Good quality reporting and recording of accidents is particularly important as part of the process of defending such claims. Some leasing companies provide an accident management system or could assist you in setting one up yourself, these systems help you get employees back on the road quickly, assist with claims management and provide risk analysis and management reporting.

Insurers are encouraging companies to apply risk management techniques to road safety. Insurers and specialist brokers are keen to work with companies to try to identify weak areas and suggest improvements, such as driver training, in a bid to bring down claims. Insurance brokers will look at the numbers of accidents, claim costs and liability for companies. They can analyse figures to establish if a particular driver is having a disproportionate number of accidents and the circumstances surrounding the accidents. Some insurers offer discounts to drivers who undergo additional training.

### Self Insurance

There a number of businesses that self insure and this is something you may wish to review. Opinion on the ideal minimum size for a self-insured fleet varies from 75-500 vehicles, although it may not be prudent to self-insure a small fleet because the risks cannot be spread widely enough.

To self insure, your company will have to set aside a bond of £500,000 to fund the repairs to your vehicles and pay third party claims together with assessing the associated actuarial risk. Self-insurance is controlled by the Motor Vehicles (Third Party Risks Deposits) Regulations 1992.

Self-insurance is not without disadvantages and risks. Additional skilled staff will need to be hired and the expertise of the previous insurers will be lost. One large claim can exhaust the whole fund, requiring extra money to be found from elsewhere.



# the driver

**Given that the employer has a duty of care towards his employees, it makes sense to focus on the steps you can take in reducing and managing risks for drivers. This section looks at assisting the driver to drive in a safe manner and explains how they can reduce, if not eliminate, the risk of a road related incident.**

## **Driver qualification**

You should ascertain whether your driver has a driving licence to drive the company or their privately owned vehicle. Special care should be taken to ensure that the driver holds the appropriate class of licence for driving the vehicle, for example heavy goods vehicles or minibuses, and whether the licence only entitles driving of automatic vehicles. Driving licences can be checked with the DVLA, provided consent is gained from the employee under the Data Protection Act.

For heavy goods vehicles and minibuses there is an additional requirement for the driver to hold a Certificate of Professional Competency. This certificate demonstrates that the driver has undertaken periodic training and it is a requirement for drivers to carry the card at all times. For more information please click on the following link:

[www.direct.gov.uk/en/Motoring/DriverLicensing/CaravansTrailersCommercialVehicles/DG\\_171186](http://www.direct.gov.uk/en/Motoring/DriverLicensing/CaravansTrailersCommercialVehicles/DG_171186)

It is not enough to simply carry out driver licence validation on recruitment. Regular checks are needed as a driver may subsequently become disqualified. Disqualification does not just impact the individual, but will impact your business, especially where driving is key to the job role. It is also advisable to check the licences of anyone who could be driving a company vehicle, for example a spouse. It would be sensible at a minimum to check driving licences of anyone who could be driving a company vehicle on an annual basis.

Annex C contains a pre-employment application form for employees who will be driving on company business. This form could easily be adapted to be used as a regular checking document.

## **Driver familiarity with the vehicle**

Where you are providing the vehicle, you will need to ensure that your employee is familiar with the vehicle's controls and give guidance on the basic checks that need to be carried out on the vehicle. Not only will these checks help improve the driver's safety, they will also reduce your maintenance and operating costs. Anything unusual about the vehicle should be highlighted, for example, keyless entry, foot operated parking brake, etc.

Drivers should also know how to adjust the seat and head restraint to find a safe and ergonomically sound driving position. If they carry loads, they need to be able to restrain and distribute them in the load area, advice should also be considered on how to safely load/unload the vehicles with goods. Remember that your responsibilities extend to private vehicles used for work purposes. See the Vehicle Load and Equipment section in The Vehicle section for more information.



## the driver (continued)

### **Driver fitness**

You should ensure that your drivers, through a process of self-declaration, confirm that they are fit to drive. This should include confirmation that their eyesight meets the legal requirements outlined in the Highway Code. Many companies provide eye tests for employees who use a computer regularly. A similar policy for those employees who drive on business regularly could be introduced.

Part of the regular driving licence check should include medical information and you should consider the impact of any changes to an employee's medical status, for example, diabetes on their ability to drive on company business.

### **Drugs and alcohol**

You should aim to ensure that employees do not drive a vehicle - whether on or off duty - in an unfit state due to the influence of alcohol or drugs or other substances likely to impair driving. You should make it clear to them that such behaviour is unacceptable and is against Company policy.

Employees taking medicines or prescribed drugs under the direction of their GP, dentist or hospital doctor should be instructed to notify their immediate line manager. If advice has been given that there should be no driving then the line manager should ensure this is adhered to.

### **Driver training and assessment programmes**

Driver training, in conjunction with other risk management solutions, can substantially improve at work road safety for your employees. Integrating these programmes into your overall road safety strategy should result in a reduction in accidents, improve your business performance, reduce insurance costs and hopefully maintain good staff morale.

Driver training programmes are normally conducted both in practical classroom sessions and in the company vehicle or privately owned vehicle, if it is driven for business purposes. The aim of these programmes is to educate employees on how to improve their knowledge on road safety matters and minimise their exposure to risk and road accidents. They should be seen as complementary to your existing company measures aimed at improving at work road safety.

You should ensure that the programme selected covers, as a minimum, the following areas:



## the driver (continued)

### Case Study

**A mobile phone service provider reduced the net costs of incidents by £100,000 following a programme of initial driving assessment followed by on-road training sessions.**

**The company conducted an initial assessment of all their employees who drove on company business. This was followed by on-road training sessions for those employees considered to be a danger to themselves and others on the road. On-going assessment is conducted through an on-line tool which allows quick and effective risk assessments to be carried out on all**  
(continued overleaf)

- Practices that could lead to death or injury
- Safety techniques relevant to all areas of normal occupational road risks
- Areas of weakness and other high risk factors.

You may wish to develop a selection process to help identify employees that would obtain the greatest benefits or, to put it another way, those employees that pose you the greatest risk, such as high mileage drivers or those with a relatively high number of endorsements. You may also find it useful to review accident and insurance statistics to help you identify individuals or groups of staff that should attend these programmes.

Further training

Employers should also provide advice and training on the following:

- Safe speeds. To encourage speed limit compliance and ensure that personal performance schedules do not lead to speeding.
- Distraction. Drivers should not be expected to make or take phone calls, send messages or transact business whilst driving. Stipulate that these activities must only be done when parked.
- Impairment. Have policies on drink and drug driving (including prescription and over-the-counter medicines), and on medical fitness to drive (eyesight, illness).
- Vehicle checks. To be carried out before each journey to make sure everything's working properly, especially tyres, lights, windscreen wipers and all fluid levels.
- Journey planning. Staff should be given written advice.
- Incident procedures. What to do and whom to contact in the event of an incident/emergency. Staff who travel alone or for long distances should have access to a mobile phone, but be advised on its safe use.

Safer driving standards

Government research shows that falling asleep while driving could be a factor in 10% of all road accidents and up to 20% of collisions on motorways or similar roads. Men between the ages of 18-30 are most at risk and account for around 50% of sleep-related accidents.





## the driver (continued)

**drivers, to identify high risk employees who would benefit from either on-line, or on road training**

**Since launching the training, road traffic accidents involving the mobile phone service providers' vehicles have halved in a two year period.**

It is more likely that drivers will fall asleep in the following circumstances:

- Long journeys on monotonous roads, such as motorways
- Driving between 2am and 6am
- Driving between 2pm and 4pm (especially after eating, or taking even one alcoholic drink)
- Having had less sleep than normal
- After drinking alcohol
- Taking medicines that cause drowsiness
- On journeys home after night shifts.

Apart from for drivers of large commercial vehicles there is no specific legal guidance as to how many hours an individual should drive continuously without taking a break, however, the Highway Code recommends you should take a 15 minute break every two hours. There is UK domestic drivers' hours rules, which do not have complex recording requirements and employers may wish to consider insisting their employees observe these rules when driving on company business as a further duty of care responsibility.

The UK domestic drivers' hours rules state:

- Daily Driving – 10 hours on any working day
- Cumulative or Continuous Driving – 5.5 hours, after this a break of at least 30 minutes must be taken in which the driver is able to obtain rest and refreshment; or within any period of 8.5 hours in the working day, total breaks amounting to at least 45 minutes are taken so that the driver does not drive for more than 7.5 hours. The driver must in addition have a break of at least 30 minutes to obtain rest or refreshment at the end of this period unless it is the end of the working day.
- Length of Working Day (spread over) – No more than 16 hours between the times of starting and finishing work (including work other than driving and off-duty periods during the working day)
- Daily rest periods – 10 hours continuously must be taken between two working days. This can be reduced to 8.5 hours up to three times a week
- Fortnightly rest periods – In any two weeks in a row (Monday to Sunday) there must be at least one period of 24 hours off.



## the driver (continued)

Below is guidance from the Department for Transport on what to do when you are driving and feeling tired:

- If you start to feel sleepy, find a safe place to stop (not on the hard shoulder)
- Drink two cups of coffee, or a high caffeine drink
- Take a short nap and resume your journey 15-20 minutes later
- Remember that opening the window or turning up the radio will do little to stop you falling asleep at the wheel.

### **Mobile phones**

Employers should ensure a clear policy is made available to all drivers on company business with regards to mobile phone use to ensure the law is adhered to. Employers can be prosecuted for 'causing or permitting' the offences of using a hand-held mobile phone or if a driver fails to have proper control of a vehicle because they are distracted while using a hands-free phone.

The BVRLA publishes a Fact Sheet on mobile phones which can be accessed from the link below:  
[www.bvrla.co.uk/Advice\\_and\\_Guidance/Fact\\_Sheets.aspx](http://www.bvrla.co.uk/Advice_and_Guidance/Fact_Sheets.aspx) then click on Using a mobile phone while driving.

### **Smoking**

Smoking is banned in public places, workplaces and vehicles used by more than one person. The law varies between England and Scotland.

- English law

The law applies to any motor vehicle used in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently) and it must be smoke free and display a no smoking sign.

- Scottish law

Cars are specifically exempt, but the legislation bans smoking in light and heavy goods vehicles and minibuses used for business purposes, irrespective of where the vehicle commenced its journey.

It is important that your policy clearly stipulates which law is applicable and how your employees ensure compliance with the law. The BVRLA publishes a Fact Sheet on smoking which can be accessed from the following link:  
[www.bvrla.co.uk/Advice\\_and\\_Guidance/Fact\\_Sheets.aspx](http://www.bvrla.co.uk/Advice_and_Guidance/Fact_Sheets.aspx) then click on Smoking ban in vehicles.



## the driver (continued)

### **Careless or inconsiderate driving**

Drivers, whose driving falls far below the standard expected of a careful and competent driver, can be charged with 'careless or inconsiderate driving'. This charge carries a maximum penalty of five years in prison, and a fine of £5000. If someone causes death by dangerous driving, it is an offence triable only on indictment and carries a maximum penalty of 14 years imprisonment, and/or an unlimited fine.

### **Speeding and other traffic offences**

Drivers who incur speeding fines or other traffic fines, for example parking fines, should be made aware of how these are dealt with and their liability when they are driving on company business.

### **Vehicle accidents or breakdown**

Providing specific guidance for drivers in the event of a vehicle accident or a breakdown will provide you with the necessary risk management information and may prevent subsequent accidents.

#### **Company Vehicle Incident Reporting and Recording**

Drivers should be expected to report all road incidents whilst carrying out any business travel – this includes privately owned vehicles – within 24 hours of the incident. If vehicles are covered under the company's own motor insurance, then all accidents must be reported regardless of the amount of damage; including accidents not involving a third party.

Employers should, as a matter of course, record detail of all vehicle accidents and where appropriate carry out an investigation in order to establish the factors that led to the incident. This will enable the company to identify and correct operational weaknesses.

#### **Accident Classification**

You may wish to consider classifying different types of accident. The benefits of this process would be to assist you in analysing the circumstances of an accident. To operate this procedure in a consistent and impartial manner; you are advised to use a standard set of questions which enables a conclusion to be reached about the circumstances. Company-level accident data collection can be split into three main elements: pre-accident, post-accident investigation and post-accident analysis.



## the driver (continued)

Companies may find it useful to collect the following after an accident:

- Date and time of accident
- Purpose of journey and starting time.
- Environmental conditions (road surface, visibility)
- Exact location, such as street name and reference to a fixed point
- Sketch of accident scene and, if possible, a photograph of the damage, accident, surrounding area and third party
- Position and direction travelled of vehicles and other parties
- Brief account of what happened, in clear language
- Details of damage to vehicles and property
- all injuries, including other road users
- Cause of the accident.

Drivers should be given guidance and/or training on how to gather the data correctly and quickly. Gathering as much data as possible, even on near hits and minor damage, whether occurring on- or off-road will contribute to the overall risk assessment procedure. Accident report forms in the vehicle can help in the process.

Annex D has an example of a comprehensive incident report card which can be tailored to your needs.

'Accident packs for drivers are becoming popular. These typically include a disposable camera, an accident management guide, an accident report form (often a standard European form), a pen, a torch and an incident report card to exchange details with third parties.

### Accident Statistics

A forward thinking management and board room culture is critical in creating an accident free environment. Recording and analysing trends in accident data means the data can be used to identify:

- Training requirements
- Unsuitable vehicles
- Managerial issues
- Schedule problems



# the journey

**As an employer it is important that your employees are not placed in situations where they will be driving long hours or doing too many trips in one day.**

This section provides guidance on how to plan journeys to ensure that they are low risk.

## **Driving Schedules**

If you provide schedules for your employees or make it a requirement that they create their own it is important to consider the following:

- Number of journeys
- Journey length
- Road type
- Potential traffic
- Weather conditions.

You may want to set maximum driving distances per day, per week, per month and per year, this can be supported by policies that allow employees to take overnight stops, or ensure the driving can be shared.

The BVRLA publishes a Fact Sheet on rest periods and hours spent driving which can be found by following this link: [www.bvrla.co.uk/Advice\\_and\\_Guidance/Fact\\_Sheets.aspx](http://www.bvrla.co.uk/Advice_and_Guidance/Fact_Sheets.aspx) then click on Working time mobile workers.

## **Route Planning**

Employers should consider what tools to provide drivers with to assist them with route planning. These could include route planning software, maps, the RoSPA guide or access to the Governments website: [www.transportdirect.info](http://www.transportdirect.info). This site provides a comprehensive travel planning service and allows comparison with other modes of transport, in addition the site provides real-time travel information.

The RoSPA website link can be found page 27 - Sources of further information.

The road type should also be considered when planning a journey; accident rates are lowest on motorways and dual carriageways. Hazards that need to be taken into account include road works, accident 'black spots', traffic density and high-risk features such as schools or busy shopping centres.





## the journey (continued)

### Telematics

Telematic systems can help ensure safer driving as they provide a solution to route planning and can allow employers greater access to monitoring what their drivers' are doing. With the introduction of the Corporate Manslaughter Act telematic systems can be seen as an invaluable tool to demonstrate compliance with health and safety legislation.

In-car satellite navigation systems (SatNav) involve an in car satellite-based Global Positioning System (GPS). The unit does not transmit signals but utilises streams of data beamed from specific satellites to establish where the vehicle is at any point in time. Once the vehicle's position is known the system utilises digitised maps. These maps are used to calculate a route from the vehicle's location to a desired destination which is selected by the driver. The Satellite Navigation System will then provide the driver with directions to the chosen location. Most systems on the market provide voice commands and display maps along with diagrams to direct the driver. The biggest advantage for employers is undoubtedly the potential to reduce the number of miles per journey through avoiding the likelihood of drivers getting lost. In addition, some systems can re-route drivers to avoid bad traffic or accident black spots.

### Alternatives to Driving

You may also wish to encourage employees to consider whether a face to face meeting is necessary. Alternatives could be promoted including:

- Audio-conferencing

Facilities using standard commercial offerings are inexpensive and easy to access. Audio-conferences for up to three people can normally be arranged over standard call-plus services available on request from most telephone companies. Alternatively, free internet-based telephone conferencing services are available. Where more than three people are involved, telephone companies and other organisations can provide facilities for a fee. Technically, audio-conferences are often limited to 20 speaking participants. However, additional participants who only need to listen to the proceedings can usually be added easily. From the point of view of effectiveness, conferences with more than ten people tend to be confusing.

- Video-conferencing

This can be an extremely valuable technique for meetings that involve people who already know one another or for



## the journey (continued)

**Case Study**  
**One BVRLA Member invested in video conferencing and found that 5,656 hours were saved by using video instead of traveling to meetings in just six months. In monetary terms this equated to a staggering £185,000.**

specialist uses (e.g. interviewing job candidates unable to travel to a face-to-face meeting). However, it is not yet widespread, except in large multinational companies where use is increasing as constraints on business travel have an impact and video-conferencing technology improves. The availability of broadband, which provides better technical quality, is promoting greater uptake.

Similarly, desktop video-conferencing facilities using webcams are available but not widely used due to speed and quality issues. Again, this is likely to change as broadband access and camera phone usage spreads. Corporate video-conferencing systems and bureau systems are also gaining ground.

- Web-conferencing

The most widely-used form of web-conferencing is Microsoft's® Netmeeting®. This is available free on the internet and is pre-installed on some pc machines. Netmeeting® provides facilities for documents to be shared over the internet, including the viewing of text comments, and for control of the file to be handed from one person to another for editing, while a separate audio-conference takes place simultaneously. A number of commercial products provide similar facilities. These often include interfaces to shared electronic diaries which allow web meetings to be 'booked' online with colleagues.

### **Weather conditions**

Employers should also consider what advice they want to give their drivers about weather conditions. Weather conditions need to be considered in relation to fatigue as well.



## Sources of further information

[www.bvrla.co.uk](http://www.bvrla.co.uk) The BVRLA website with access to further information and pdf versions of the annexes to this guide.

[www.iam.org.uk](http://www.iam.org.uk) Institute of Advanced Motorists. Promotes high standards of driving.

[www.hse.gov.uk](http://www.hse.gov.uk) Health and Safety Executive website with considerable information.

[www.orsa.org.uk](http://www.orsa.org.uk) Occupational Road Safety Alliance. ORSA brings together employers, trade unions, local authorities, police forces, safety organisations and trade associations. It aims to raise awareness of work related road safety and to encourage businesses to manage at-work road risk effectively.

[www.larsoa.org.uk](http://www.larsoa.org.uk) Local Authorities Road Safety Officers Association

[www.dsa.org.uk](http://www.dsa.org.uk) Driving Standards Agency website for information on driver training and testing.

[www.brake.org.uk](http://www.brake.org.uk) Brake is a national road safety charity with the aims of preventing death and injury on the roads through education of all road users and campaigning for government improvements to road safety.

[www.racbusiness.co.uk](http://www.racbusiness.co.uk) RAC website for information on risk management for business.

[www.dft.gov.uk/roadsafety](http://www.dft.gov.uk/roadsafety) Department for Transport website with specific information about driving at work and road safety.

[www.rospace.org.uk](http://www.rospace.org.uk) The Royal Society for the Prevention of Accidents is a registered charity providing information, advice, resources and training. RoSPA is actively involved in the promotion of safety in all areas of life - at work, in the home, and on the roads, in schools, at leisure and on (or near) water.

[www.euroncap.com](http://www.euroncap.com) Euro NCAP provides motoring consumers with a realistic and independent assessment of the safety performance of some of the most popular cars sold in Europe.

[www.transportdirect.info/transportdirect/en/](http://www.transportdirect.info/transportdirect/en/) This website offers a complete transport journey planner for Great Britain, maps and live travel information.



## annexes

There are four annexes to this guide to help members and customers/drivers with the selection of vehicles and with maintenance. In addition there is a pre-employment check list and in the event of an accident, an incident report card. All of these annexes can be downloaded as PDFs via the following links:

Annex A - Vehicle selection check list:

Annex B - Maintenance check list:

Annex C - Pre-employment check list:

Annex D - Incident report card:

**British Vehicle Rental And Leasing Association**

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Badminton Court  
Amersham  
Buckinghamshire  
HP7 0DD

**T** 01494 434747

**F** 01494 434499

**E** [info@bvrla.co.uk](mailto:info@bvrla.co.uk)

**[bvrla.co.uk](http://bvrla.co.uk)**

Promoting responsible road transport

