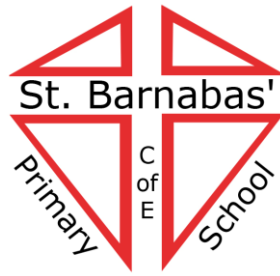


**Heaton St. Barnabas' CE (VA) Primary School**



**Policy For**

**Driving**

**This policy was approved by Staffing & Finance Committee**

**On: 15<sup>th</sup> July 2022**

**Signed.....**

**Chair of Staffing & Finance Committee**

# Heaton St. Barnabas' C.E.(V.A.) Primary School

## **POLICY FOR DRIVING IN CONNECTION WITH SCHOOL BUSINESS**

### **Introduction**

The governing board is aware of its obligations under the Corporate Manslaughter and Corporate Homicide Act 2007, which came into force in April 2008, and recognises that an organisation will be guilty of an offence if the way in which its activities are managed or organised causes a person's death and amounts to a gross breach of a duty of care owed by the organisation to the deceased. The relevant offence is corporate manslaughter and an organisation that is guilty of corporate manslaughter is liable on conviction on indictment to a fine. Accordingly, this policy in respect of driving on behalf of the school must be adhered to. Failure to comply with its content could lead to disciplinary action.

### **Policy statement**

The purpose of the policy is to ensure that the governing board of Heaton St. Barnabas CE Primary School meets its obligations under its duty of care owed by the organisation for employees who drive on its behalf. The policy is written to meet the requirements of the Health and Safety at Work Act etc 1974 and to ensure compliance with the guidance issued by organisations such as The Royal Society for the Prevention of Accidents (RoSPA), the Department of Transport, the Health and Safety Executive and the DFE.

The policy applies to all persons who drive on behalf of the school in vehicles owned, leased or hired by the organisation. It also applies to those who drive their own vehicles on behalf of the school. The governors recognise that most journeys undertaken on behalf of the school are of a voluntary nature and they are appreciative of the goodwill shown by staff in this regard. However, they are required to undertake full and proper risk assessments of all activities including those of a voluntary nature. This policy is designed to minimise the risk to employees and students, in addition to also protecting the interests of the school.

Driving on behalf of the school is defined as staff who drive regularly as a major part of their job, and those who drive occasionally or for short distances for:

- Travelling to and from meetings.
- Split-site journeys.
- Site visits.
- Travelling to and from home to a non-permanent place of work, including visits to other establishments and training courses, seminars, conferences etc.

It is very important to note that such a definition does not relate directly to the payment of expenses or inclusion in job descriptions, but purely to the 'activity' of driving on behalf of the school, with or without payment.

Travel to and from home to your usual place of work is defined as commuting and is exempt from this policy.

## **Licence and insurance**

The school records details on both the driver and the vehicle(s) used on behalf of the organisation, such as a minibus. In these circumstances, an up-to-date copy of the relevant employees' driving licences will be held on file.

For vehicles owned, leased or hired, the school will keep the following:

- Insurance certificate.
- Ownership details.
- MOT certificate (if applicable).
- Tax.
- Service record.
- Other vehicle documentation.

For staff using privately owned vehicles, it is their responsibility to ensure that they are licensed to drive and that the vehicle is correctly insured, taxed and roadworthy.

Anyone driving on behalf of the school will be required to sign a pro-forma indicating that:

- They hold a valid driving licence.
- The vehicle is correctly insured for the use.
- The vehicle is fit for purpose/is roadworthy.

The school reserves the right to request evidence to support any declaration given.

For privately owned vehicles, the insurance certificate must state for 'business use' or 'for purposes in connection with the business/occupation or the trade or profession of the policyholder', or a similar phrase.

It is the responsibility of each member of staff to inform the school of any change(s) to the documents held on file, including the pro-forma. Failure to provide details within ten days of the change may result in disciplinary action being taken.

## **Fit to drive**

Each time a member of staff drives a vehicle on behalf of the school the following will apply:

- It is the individual's responsibility to ensure that they are fit to drive when they take a vehicle onto the public highway.
- Individuals must comply with drink-driving and drug-driving laws at all times. Committing a drink-driving or drug-driving offence while working for the school or during outside working hours may lead to action under the school's disciplinary procedure and could result in dismissal.

- It is the individual's responsibility to seek advice from their GP or pharmacist about the possible effect that any prescribed medicine may have on their ability to drive. It may be necessary to modify an individual's duties or temporarily re-deploy to an alternative role where the individual's ability to drive is impaired as a result of the medication.
- Any person who is required to drive as part of their employment, or as part of an approved activity, must declare to the school any medical condition which adversely affects their ability to drive safely (all information provided will be treated as confidential). In these circumstances, the school will endeavour to make reasonable adjustments, in consultation with the individual employee and occupational health, and other support agencies as appropriate.
- Where a school has a concern about a potential alcohol or drug abuse issue, then the employee should not drive on the school's business until and unless the concerns prove to be unfounded.

## **Disqualification from driving**

Employees who drive vehicles on behalf of the school are duty bound to inform the school immediately of disqualification from driving on the public highway. Where that person drives as a requirement of their job, they will be relieved of all driving duties with immediate effect and in consultation with the individual employee. The school will determine the most appropriate course of action. Each case will be dealt with on its own merits.

## **Road safety**

Each driver is responsible, before embarking on a journey, for making sure that the vehicle is roadworthy – it is recommended that appropriate driver checks are undertaken before taking the vehicle on the road. The following checks are recommended before each journey:

- Fuel level.
- Tyre tread.
- Foot and hand brake operation.
- Lights, indicators and hazard warning lights operate.
- Horn operates.
- Screenwash and wipers operate.
- Seat belts fitted and functioning.
- Mirrors adjusted/adjustable.

These are tasks which do not require any technical expertise and are the basic checks included in the current UK driving standards examination.

Additional checks for long journeys might usefully include:

- Fluid levels (oil, coolant and screenwash).
- Tyre pressures.
- Locks and security function.

It is not intended that checklists are provided or that records of pre-use checks are kept, because it remains the responsibility of any driver to ensure that a vehicle is roadworthy.

## **Route planning and scheduling**

It is expected that where an employee has to drive to undertake work-related activity, an assessment of the schedule of driving and work activity is made to ensure that it is reasonable and it allows for rest breaks at least every two hours, when it is recommended that they should leave the vehicle. It is also important to ensure that the necessary driving will not result in excessive working hours or working at unsociable hours. Employees should apply common sense and not drive when tired or at unsociable hours.

## **Accidents**

In the event of an accident, the driver should follow the directions of their insurance policy for reporting and recording the accident.

## **Mobile phones**

### **Hand-held phones**

It is illegal to use a hand-held mobile phone while driving. It is also an offence 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**

It can be illegal to use a hands-free phone while driving. Depending upon the individual circumstances, drivers could be charged with 'failing to have proper control of their vehicle'. In more serious cases, the use of any type of mobile phone could result in prosecution for careless or dangerous driving. The police may check phone records when investigating fatal and serious crashes to determine if use of the phone contributed to the crash.

School employees who are driving while at work are required to comply fully with the law, which prohibits the use of hand-held mobile phones while driving. It is also an offence to 'cause or incite' persons who are driving to be in breach of the law. Employees should avoid making contact via mobile phone with other employees when they are known to be driving.

School employees are encouraged to use the voicemail facility on their mobile phone and make return calls when it is safe to do so.

## **Smoke-free vehicles**

From 1 July 2007, it has been against the law to smoke, or permit others to smoke, in virtually all enclosed public places and workplaces in England.

The law extends to vehicles (such as the school minibus). The law requires vehicles to be smoke-free at all times if they are used:

- To transport members of the public.
- In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

***Note: It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking.***

# Heaton St.Barnabas CE Primary School

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Proud to be a member of The Bradford Shine Partnership **Shine**\*



## USE OF PRIVATELY OWNED VEHICLES FOR SCHOOL BUSINESS

### PRO-FORMA DECLARATION

For staff using **privately owned vehicles**, it is your responsibility to ensure that you are licensed to drive and that the vehicle you are driving is correctly insured and roadworthy.

**Please sign below to indicate that:**

- You hold a valid driving licence \*
- Your vehicle is correctly insured for the use in connection with school business \*\*
- Your vehicle is fit for purpose/is roadworthy \*

\*The school reserves the right to request evidence to support any declaration given. This may be in the form of driving license, Insurance and MOT certificates.

\*\*For privately owned vehicles, the insurance certificate must state for 'business use' or 'for purposes in connection with the business/occupation or the trade or profession of the policyholder', or a similar phrase.

**Signed:**.....

**Print Name:**.....

**Date:**.....

It is your responsibility to inform the school of any change(s), including the pro-forma. Failure to provide details within ten days of the change may result in disciplinary action being taken.