

Report of the Corporate Director of Resources

## New Health and Safety, H&S, Policies

### RECOMMENDATION

1. To approve the attached draft H&S policies, namely the:
  - updated H&S Policy Statement of Intent
  - Driving for Work Policy
  - H&S Training Policy.

### SUPPORTING INFORMATION

#### 2.1 Updated Health and Safety Policy Statement of Intent

- This newly revised version has been developed in partnership with the Trade Unions.
- H&S legislation requires the Council to have a written and up-to-date H&S policy. This includes a general statement of intent outlining the organisation's commitment to providing a safe and healthy workplace. Details of H&S arrangements and responsibilities also have to be described.
- There is a new section called 'Setting the policy status' which has been added to mirror the format of other H&S policies. It outlines our corporate vision for H&S and explains that this document provides a framework for other policies and arrangements to link into.
- When approved this document will need to be signed by the Chief Executive to demonstrate commitment and H&S leadership at the highest level. It needs to be seen and understood by all employees.
- Departmental arrangements for implementing the H&S Policy Statement of Intent will need to be developed and publicised.

#### 2.2 Driving for Work Policy

- Driving for work within the Council has been an uncontrolled risk for some years, especially for our 'grey fleet'. These are employees using their own vehicles to carry out Council business, for example, transporting service users. Research for the Travel Plan provided evidence of a worrying risk.

- The Corporate Health and Safety Advisory Service in conjunction with the Travel Plan Project Team have developed this policy to improve the Council's occupational road risk management.
- The standards the policy lays down are based on the requirements of current law, and the latest guidance from the Health and Safety Executive and the Department for Transport.
- Chief Officers and their senior management teams are responsible for making sure each department meets the requirements of the policy.
- The key requirements will be for managers to carry out risk assessments for high risk journeys and carry out periodic checks on driving licences, MOTs and insurance certificates.
- An information sheet is being developed to remind our employees of their duties under the policy.
- We will provide training for managers on this policy, as well as checklists, flowcharts and generic risk assessments, to assist them.

### 2.3 Health and Safety Training Policy

- The Council is required by law to provide H&S training for its employees. This policy forms part of the formal corporate arrangement documents required to support and 'flesh out' our H&S Policy Statement of Intent.
- The policy contains several key elements...
- Mandatory H&S training for specified roles and posts.
- A requirement for managers to undertake H&S training needs assessments for their employees. This will be based on the H&S Competency Matrix within the policy.
- The provision of training and refreshers at agreed intervals.
- Evaluating, monitoring and auditing of H&S training.
- All H&S training to be recorded on Vision.
- The policy also defines H&S training responsibilities for Cabinet, Chief Officers, managers, including those managing Council buildings, and employees with specific duties, such as commissioning services and procuring goods.
- Chief Officers and their senior management teams are responsible for making sure each department meets the requirements of the policy.

**For more information contact:** Nigel Parkes-Rolfe on 01332 255580 or by e-mail to

[nigel.parkes-rolfe@derby.gov.uk](mailto:nigel.parkes-rolfe@derby.gov.uk)

**Background papers:**

None

**List of appendices:**

Appendix 1 - Implications

**Appendix 2** - Drafts of the Updated H&S Policy Statement of Intent, Driving for Work Policy and H&S Training Policy

<b>IMPLICATIONS</b>
---------------------

**Financial**

1. There are no financial implications arising directly from this report. Specific H&S training obviously carries its own financial implications. However, the vast majority of training identified in this report will be offered corporately and hence 'free' to departments. A minor charge will be levied for school staff wishing to undertake H&S training since they already have monies for this in their delegated budgets.

**Legal**

2. The Health and Safety at Work etc Act, 1974, HASWA, is the principal legislation governing H&S law in this country. All the policies here fall under the auspices of the 'duty of care' contained in section 2 of this Act and hence we are legally required to undertake them.

In the worst case scenario where someone is killed as a result of the way the Council fails to adequately manage its H&S and those senior management failings breach the 'duty of care', we could be prosecuted under the Corporate Manslaughter and Corporate Homicide Act, 2007. Fines here are unlimited, not to mention the huge image, reputation and political issues that would be generated for the Council as a result of such a prosecution.

It is important to realise that the offence of corporate manslaughter can only be committed by an organisation, not by individuals in it. However, cabinet members and senior managers can still be prosecuted individually for manslaughter under common law and health and safety offences under the Health and Safety at Work Act... as indeed they always could.

Under the new Health and Safety (Offences) Act, 2008, a breach of section 2 allows for individual fines up to £20,000 and a term of imprisonment not exceeding 12 months for a conviction in the Magistrates Court, and up to two years for a conviction in the Crown Court. Again the top three tiers of management in the Council plus Cabinet Members would be the primary targets of any legal action.

**Human Resources**

3. As for Legal Implications.

**Equalities Impact**

4. Full individual Equality Impact Assessments are still pending for these policies. However, all legally based H&S requirements aim to fulfil our obligations under equalities legislation whilst meeting the duty to ensure the health and safety of our employees and others.

**Corporate Priorities**

5. H&S legislation requires our compliance and that we reduce our risks 'so far as is reasonably practicable'. This implies a balancing of the degree of risk against the time, effort and cost of overcoming it. Such a stance is fully compatible with our priority to 'Give you excellent services and value for money'.



DERBY CITY COUNCIL

# Health and Safety Policy Statement of Intent

## Setting the policy status

1. This policy document outlines the Council's corporate vision for health and safety, H&S. In general terms, it describes what we are aiming to achieve and how we will do it. It acts as an 'umbrella' document for other more specific corporate and departmental policies to link into. Key examples include:
  - departmental health and safety policy statements and arrangements
  - H&S Risk Assessment Policy
  - H&S Representatives Charter
  - Stress Management Policy
  - Managing Contractors Policy
  - H&S Training Policy.
2. All corporate H&S policy and guidance documents are available on the Council's intranet - see Appendix 1 for a current list. To find them from the homepage go to Staff Support, then Health and Safety Policies and Guidance. Alternatively, follow this link - <http://172.16.1.41/derbynet/hr.asp>.

## Demonstrating commitment

3. The Council is committed to meeting its legal obligations under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999. We also aim to follow the best practice guidance outlined in the Health and Safety Executive's publication 'Successful health and safety management', HSG65. A copy of the short leaflet that summarises HSG65 is with our policy documents on the intranet. To find it, you can:
  - follow the pathway given in paragraph 2, choosing **HSE leaflets** as the final step, instead of H&S Policies and Guidance ,or
  - use this link - [Managing Health and Safety - Five Steps to Success](#).
4. The Council is committed to protecting the health, safety and welfare of our employees, service users and contractors. To do this, we will take all reasonable steps to make sure:
  - our activities, premises and equipment meet current legal requirements, standards and best practice
  - adequate resources are made available for health and safety
  - health and safety is accepted as a core management activity, and is given equal priority with other service objectives
  - competent advisors are employed within the workforce to give guidance and assistance on H&S issues

- specialist advice, such as on technical or medical matters, is available when needed
  - adequate, clear H&S information is effectively communicated to all employees and to those who use our services and facilities
  - all employees and contractors are competent to carry out their work safely and with minimal risk to themselves or others
  - employees receive the instruction, training and supervision they need to work safely
  - employees and their H&S representatives are encouraged to be actively involved in health and safety in the workplace.
5. To promote H&S at the highest level the Council has two H&S Champions. They are Councillor Mike Carr for the Cabinet and Paul Robinson, Corporate Director Environmental Services for Chief Officer Group.

### Supporting continuous improvement

6. The Council believes that continuous improvement in health and safety is a shared objective for everyone to work towards. This links into our Council priorities to give excellent services and value for money to the people of Derby.
7. To achieve this, we will:
- **develop and refine our health and safety management system.** This is based on the Health and Safety Executive's HSG65 model and has risk assessment and continuous improvement at its heart. See paragraphs 3 and 4.
  - **systematically review and refine our policies, procedures and arrangements** regularly. We will aim to review corporate policies annually, or whenever there are significant changes to the law, Health and Safety Executive, HSE, guidance or best practice. It's our vision to expand the breadth and accessibility of H&S documents on both the Council's intranet and internet pages.
  - **make sure minimum standards are applied consistently.** The CHSAS will monitor standards as part of its ongoing departmental and corporate work plans. We will audit each department at least every four years. The results of our corporate H&S risk assessment audits are benchmarked and fed back to Chief Officers for action. We also expect managers at all levels to monitor H&S standards as part of their general management activities.
  - **monitor the progress of H&S objectives and tasks against agreed timescales.** Annual departmental business plans are now required to include mandatory H&S elements, which are monitored by the CHSAS. H&S objectives are fed through business plans into departmental management and performance management processes. This means that progress is monitored and reviewed through:
    - corporate consultation and working groups
    - departmental management team meetings
    - local team meetings

- individual Achievement and Development or supervision meetings.
- **benchmark our H&S performance against suitable comparator organisations.** We take a lead role in a Local Authority benchmarking group and will continue to look at ways of developing this further.
- **publish regular reports on our findings and use the information we collect positively to improve performance.** The CHSAS will continue to develop and publish a range of corporate and departmental reports describing H&S performance. Reports covering key H&S issues are produced as part of our ongoing work plan. These will include:
  - an annual H&S performance report
  - corporate and departmental H&S risk assessment audit results
  - quarterly H&S reports to departmental management teams.

We also expect managers to report their H&S monitoring activities and performance to their management team and H&S adviser.

### **Promoting employee participation**

8. The Council supports and encourages employee participation in H&S matters. This is because we recognise that active employee involvement helps to:
  - promote a positive H&S culture
  - develop effective risk control measures and realistic safe systems of work
  - reduce accidents and work-related ill-health.
9. To achieve this participation, we will:
  - promote open, frank and constructive consultation with employees and their nominated health and safety representatives
  - make sure employees have the facts they need to make an informed contribution
  - make sure no false barriers prevent any employee becoming involved, if they wish to do so.
10. We will promote partnership working with employees and their nominated health and safety representatives, HSRs. We will do this through both formal and informal meetings and working groups, such as:
  - Corporate Health and Safety Committee, CHSC
  - Health, Safety and Welfare Development Group, HSWDG
  - CYP H&S Working Group
  - Departmental Joint Consultative Committees, JCCs.

## **DEFINING RESPONSIBILITIES**

### **The Council**

11. The Council, through its Cabinet has overall responsibility for the health, safety and welfare of all employees, and anyone else that could be affected by our work activities.
12. This responsibility includes:
  - providing active leadership and direction for H&S
  - securing adequate resources for H&S management
  - overseeing H&S performance.

### **The Chief Executive**

13. The Chief Executive, through the Assistant Director - Human Resources, is responsible for making sure:
  - effective arrangements and structures are in place to manage H&S
  - effective H&S policies are developed and implemented consistently across the Council
  - a comprehensive programme of audits and inspections is implemented to monitor health and safety performance
  - positive action is taken to improve H&S performance where problems are identified.

### **Chief Officers**

14. Each Chief Officer is responsible for taking all reasonable steps to make sure H&S is effectively managed within their department. This includes:
  - making adequate resources available for managing H&S
  - making sure H&S is given equal priority with other management functions and is included in departmental business planning
  - supporting continuous improvement by demonstrating a proactive, positive attitude to H&S matters
  - making sure corporate H&S policies are implemented promptly and fully
  - making sure departmental policies, procedures and arrangements are developed, implemented and publicised
  - monitoring the effectiveness of departmental H&S arrangements and making sure positive action is taken to deal with any problems
  - promoting employee participation in H&S by supporting consultative arrangements, such as departmental Joint Consultative Committees and informal working groups.

### **Managers**

15. The Council believes that H&S is a basic management function. This means **anyone** who has responsibility for managing employees, from Assistant Directors to first-line supervisors and including school-based staff, has health and safety duties. All managers are responsible for:
- promoting a positive and proactive approach to H&S
  - communicating their personal commitment to H&S by setting a good example
  - implementing and communicating H&S policies, standards and procedures
  - carrying out risk assessments for the work activities they control, in consultation with their employees and health and safety representatives
  - devising, implementing and reviewing safe working procedures for all work activities under their control
  - monitoring H&S performance by carrying out regular workplace inspections, spot checks and safety audits
  - identifying their employees' H&S training needs through risk assessment and task monitoring
  - making sure all employees are adequately supervised while at work
  - encouraging their employees to participate actively in H&S
  - co-operating and communicating with other employees in shared workplaces to allow a coordinated approach to H&S arrangements
  - making sure all work-related accidents, incidents and ill health are reported, investigated and any necessary remedial action taken.

### **Corporate Health and Safety Advisory Service, CHSAS**

16. The CHSAS is responsible for:
- providing an effective, proactive and objective advisory service to managers and employees on all aspects of H&S law and best practice
  - developing, promoting, reviewing and consulting on H&S strategy, policies and procedures
  - developing, promoting and monitoring the Council's H&S management system
  - monitoring H&S performance against agreed standards and advising on any necessary improvements
  - identifying any trends or problems and reporting them through the appropriate management system, such as a departmental management team, JCC or CHSC
  - developing and maintaining H&S information and performance management systems
  - promoting a positive H&S culture throughout the Council, which encourages active employee participation in health and safety

- advising managers on health and safety risk assessment and risk control
- carrying out audits, inspections and investigations, such as into work-related incidents and ill health; advising on any necessary remedial action
- advising on H&S training and competence requirements
- delivering internal H&S training on key issues and commissioning specialist training where this is appropriate.

## **Employees**

17. Every employee has H&S responsibilities, including:

- taking reasonable care of their own health and safety
- making sure others are not put at risk by what they do, or fail to do
- telling their manager or their H&S adviser **immediately** about any equipment, situation or working practice that might cause serious and imminent danger
- following all H&S policies, instructions and procedures, such as reporting work-related accidents, ill health and aggressive incidents
- using any equipment provided properly, as trained and instructed
- reporting any problems or shortcomings they identify with the Council's health and safety arrangements
- being co-operative and proactive in all matters that involve H&S.

## **Trade union health and safety representatives, HSRs**

18. HSRs have legal rights in the workplace. These include the right to

- inspect and take copies of any documents linked to H&S in the workplace
- be consulted about any planned changes that could affect their members' H&S
- monitor and review policies, procedures and departmental arrangements
- investigate hazards, accidents and their members' complaints
- do inspections.

## PROVIDING INFORMATION AND GUIDANCE

19. Here are some suggested sources of H&S information and advice...

### Within the Council

- The Corporate Health and Safety Advisory Service, CHSAS. Contact us by:

 - 25 5578

 - [employee.HealthandSafety@derby.gov.uk](mailto:employee.HealthandSafety@derby.gov.uk)

 - Resources Department  
PO Box 6292, The Council House, Derby, DE1 2ZL

- Trade union health and safety representatives.

### Outside the Council

- The Health and Safety Executive, HSE.

 - [www.hse.gov.uk](http://www.hse.gov.uk)

 - HSE Infoline - **0845 345 0055**

- The Trades Union Congress, TUC.

 - [www.tuc.org.uk](http://www.tuc.org.uk)

 - **020 7636 4030**

- UNISON.

 - [www.unison.org.uk](http://www.unison.org.uk)

 - **01332 25 8480** - Branch Unison Office at the Council House

- GMB.

 - [www.gmb.org.uk](http://www.gmb.org.uk)

 - **0115 960 7171** - Nottingham Office

- NASUWT.

 - [www.teachersunion.org.uk](http://www.teachersunion.org.uk)

 - **0115 976 7180** - East Midlands Office

- NUT.

 - [www.teachers.org](http://www.teachers.org)

 - **01302 342448** - Regional Office

- Unite.

 - [www.unitetheunion.org.uk](http://www.unitetheunion.org.uk)

 - Amicus - **01332 548400** - Derby Office

 - T&G - **01332 345851** - Derby Office

## CURRENT H&S POLICY AND GUIDANCE DOCUMENTS

Here's a list of H&S policy and guidance documents that were current when this policy was published. You can find an up-to-date list, along with links to each document by visiting the H&S pages on Derbynet. See paragraph 2 for the pathway from the homepage or follow this link - <http://172.16.1.41/derbynet/hr.asp>.

- [Abuse, Aggression and Violence Code](#)
- [Accidents, Diseases and Dangerous Occurrences Reporting Code](#)
- [Asbestos Awareness Presentation](#) (Property Services)
- [Asbestos Management Plan](#) (Property Services)
- [Contractors Policy](#)
- [Control of Substances Hazardous to Health Policy](#)
- [Control of Substances Hazardous to Health Policy Managers Guide](#)
- [Corporate Asbestos Policy - Guidance](#) (Property Services)
- [Corporate Asbestos Policy - Statement of Intent](#) (Property Services)
- [Corporate Health and Safety Advisory Service Contact List](#)
- [Council House Fire Alert Procedure](#)
- [Display Screen Equipment Code](#)
- [Fire Safety at Work Policy](#)
- [Health & Safety Risk Assessment - Managers' Guidance](#)
- [Health and Safety Policy](#)
- [Health and Safety Representatives' Charter](#)
- [Health and Safety Risk Assessment Policy](#)
- [Hot Weather Guidance](#)
- [Lone Working Code](#)
- [Manual Handling Policy and Guidance](#)
- [Mobile Phones and Driving](#)
- [Preventing Infection from Body Fluids Employees' Guide](#)
- [Preventing Infection from Body Fluids Managers' Guidance](#)
- [Stress Management Leaflet](#)
- [Stress Management Policy](#)
- [Water Hygiene Policy](#) (Property Services)
- [Work at Height Policy and Guidance](#)
- [Work-related Stress Managers' Guidance](#)



## SETTING THE POLICY STATUS

1. This document outlines the Council's corporate policy for work-related driving using Council and employees' own vehicles. In general terms, it describes what we are aiming to achieve and how we will do it. Linked policies include:
  - Corporate Health and Safety Policy Statement of Intent
  - departmental procedures and arrangements
  - Health and Safety Risk Assessment Policy
  - Mobile Phones and Driving
  - Alcohol / Drugs-Related Problems Policy
  - No Smoking Policy.
2. This policy doesn't cover commuting journeys, except where employees' at-work journeys start from their home to go to a work location, which isn't their normal place of work.
3. All corporate health and safety, H&S, policy and guidance documents are available on the Council's intranet. To find them from the homepage go to Staff Support → Health and Safety → Health and Safety Policies and Guidance. Alternatively, follow this link - <http://172.16.1.41/derbynet/hr.asp>.

## DEMONSTRATING COMMITMENT

4. The Council is committed to meeting its legal obligations under the:
  - Health and Safety at Work etc. Act 1974
  - Management of Health and Safety at Work Regulations 1999
  - Corporate Manslaughter and Corporate Homicide Act 2007
  - Health and Safety Offences Act 2008
  - Road Safety Act 2006
  - Road Traffic Act
  - Road Vehicles (Construction and Use) Regulations.

We also expect all employees to observe the normal rules of the road as set out in the Highway Code.

5. The Council is committed to protecting the health, safety and welfare of our employees, service users and contractors. To do this, we will take all reasonable steps to make sure:

- our drivers are:
  - fully competent and capable of doing their job in a way that is safe for them and other people
  - properly trained and understand the importance of appropriate attitude and behaviour when driving
  - sufficiently fit and healthy to drive safely
  - aware of the importance of good posture and know how to set their car seat correctly
  - able to get safety critical information, such as recommended tyre pressures, adjustment mechanisms for head restraints, and what to do if their vehicle is unsafe or breaks down
- any vehicles used for work:
  - are fit for purpose and the work activity
  - are properly maintained
  - have any safety equipment properly fitted and maintained
  - have seatbelts and head restraints fitted and used correctly
  - have ergonomic considerations taken into account.
- work-related journeys:
  - are properly planned and scheduled, taking account of adequate time, breaks, driver fatigue and weather conditions.

6. To promote H&S at the highest level, the Council has two H&S Champions. They are Councillor Mike Carr for the Cabinet and Paul Robinson, Corporate Director - Environmental Services for the Chief Officer Group.

## **ASSURING MINIMUM STANDARDS**

7. We will base our approach to controlling the risks of driving for work on the requirements of current law and the latest guidance from the Health and Safety Executive, HSE, and the Department for Transport. This means that departmental arrangements for driving for work must:

- identify and train all managers who control employees who drive for work on this policy
- carry out risk assessments for high risk journeys that have been identified, for example, those involving high mileage carrying service users, or any unplanned ones where an employee uses their own vehicle. A generic driving risk assessment is in Appendix 1
- categorise all employees who drive for work into our four driver categories
- make sure all employees who drive Council vehicles are notified to our Fleet Management Section, Environmental Services
- buy all Council vehicles through the Fleet Management Section to make sure they meet corporate standards for vehicle safety and use
- make sure the pre-employment checks for new starters in each driver category are carried out
- provide all employees who drive for work with a copy of the Council's Driving for Work Employee Information Sheet. A copy is given in Appendix 2

- carry out the periodic checks for employees in each driver category, such as checking driving licences, MOT and insurance certificates
- make sure the procedure for reporting vehicle accidents is known and understood
- make sure procedures are in place for permitted private use, if employees are allowed to take Council vehicles home
- follow the Council's procedures if an employee's standard of driving is of concern
- make sure the Council's policy on mobile phones and driving is followed
- follow the Council's procedures if an employee has a medical condition that may affect their ability to drive
- follow the Council's procedures if an employee cannot drive because, for example, they're banned
- make sure periodic health surveillance is carried out for specific driver groups, such as larger goods vehicle, LGV, drivers
- make sure the Council's Alcohol / Drugs-Related Problems Policy is followed in relation to driving.

### **Manager training**

8. The Fleet Management Service, Road Safety Service and the Corporate Health and Safety Advisory Service, CHSAS, will run managers' briefing sessions on driving for work. These will be for managers who control employees who drive for work, and will cover:
  - pre-employment and periodic checks
  - how to decide when driver assessment is necessary and how to access this
  - how to investigate ill health and deteriorating driving performance
  - driving for work risk assessments, and
  - occupational road risk checks.

### **Risk assessment**

9. Managers are responsible for making sure risk assessments are carried out for driving and reviewing them regularly. It's important that we carry out a risk assessment of each driver, including those who use their own vehicle for work purposes or a pool or hire vehicle occasionally. The assessment should cover the three fundamental areas of work-related road safety, namely the:
  - driver
  - journeys made
  - vehicles used.
10. To help managers with this process, consideration should be given to the following issues:
  - the identification of the categories of driver within their area of responsibility
  - adequate maintenance arrangements are in place for any Council vehicles provided to employees

- work duties so that employees have sufficient time to drive safely within speed limits, and with adequate rest periods to reduce the risk of driver fatigue and tiredness
  - making sure employees aren't required to carry out other work tasks while driving that could put themselves and others at risk
  - making sure vehicles are loaded safely and securely
  - employees are made aware of their responsibilities.
11. A generic driving risk assessment is in Appendix 1. Further information on risk assessment is in the Council's Health and Safety Risk Assessment Policy and its associated managers' guidance.

### **Driver categories**

12. We have categorised driving activities into:
- **Category A** - employees, including agency workers, using vehicles owned or leased by the Council, including pool cars
  - **Category B** - employees, including agency workers, authorised to use their own vehicles
  - **Category C** - minibus drivers
  - **Category D** - volunteers driving their own vehicle, for example, Sure Start activities.
13. Some checks and actions are common to all the driving categories, but some are specific to particular ones.

### **Pre-employment and new starter checks**

#### **All drivers**

14. The following checks must be carried out for all employees who drive, regardless of their driver category, before they are employed:
- references should be obtained to confirm the statements the candidate/employee makes about their driving record and experience
  - the employee should complete a pre-employment medical assessment form
  - the employee should complete the Driver Declaration Form given in Appendix 3
  - a driving assessment should be carried out where:
    - the individual's driving record indicates poor driving having six or more points on their licence, and/or
    - the candidate is under 21 years old.

### **Category A drivers - employees driving Council vehicles**

15. All employees, including agency workers, who will be driving Council vehicles, including pool cars, as an essential part of their job must carry out a short driving assessment to verify their competence to drive the vehicle. Appendix 4 gives the Council's policy on recruiting employees to drive our vehicles.

### **Category B drivers - employees authorised to use their own vehicles**

16. The following checks must be carried out where employees, including agency workers, are authorised to use their own vehicles for driving for work:
- explain to the employee the requirement not to drive without up-to-date relevant business-class insurance, full valid driving licence, road tax and MOT certificate, where needed
  - the employee's vehicle insurance and registration certificates and MOT certificate, where needed, are checked and the Annual Vehicle Documentation Inspection form completed given in Appendix 5.

### **Category C drivers - minibus drivers**

17. Employees who drive minibuses must:
- be legally entitled to do so - see paragraphs 24 to 30
  - have carried out the Council's approved minibus assessment, or an equivalent approved one, and passed.

### **Category D drivers - volunteers driving their own vehicle**

18. Managers using any volunteer drivers must carry out the same checks as for employees.

## **Periodic checks for current employees**

### **All drivers**

19. All managers must check their employees' driving licences annually if they drive for work. Record the checks on the Annual Vehicle Documentation Inspection form given in Appendix 5.
20. Additionally, the checks given in paragraphs 21 to 23 **must** also be carried out depending upon the category of driver.

### **Category A drivers - employees driving Council vehicles**

21. Managers must also check at least annually their employees' vehicle logbooks to make sure that they're being filled in correctly.

## Category B drivers - employees authorised to use their own vehicles

22. Managers must also check annually their employees' vehicle insurance and registration certificates and MOT certificate, where needed. Record the checks on the Annual Vehicle Documentation Inspection form given in Appendix 5. This is to make sure that their vehicle is insured for business use, class one, to insure themselves and the Council against third party claims.
23. This documentation must also be checked for any alternative vehicle an employee may use to carry out work on behalf of the Council.

## Minibus drivers

24. All minibus drivers **must** hold a full driving licence, and not a provisional one. If the driver obtained their full car driving licence before **1 January 1997**, they can drive a minibus in the UK until their licence expires if they:
  - hold a valid full driving licence for private cars, group A or B for automatics, on an old-style green or pink licence, or category B and D1(101) on a photo card licence
  - are at least 21 years of age
  - have held a full clean driving licence for a minimum of two years
  - the vehicle isn't being used for hire or reward.
25. Drivers whose licences expire when they reach 70 years of age, or because they develop certain medical conditions, will not automatically retain their D1(101) entitlement on their licence. They must apply using a D4 form from Post Offices, which must be completed by their GP and returned to the Council's Occupational Health Service. They will send off the form to the Driver and Vehicle Licensing Agency, DVLA, at Swansea. The driver must also pass a medical to passenger carrying vehicle, PCV, standards.
26. Drivers who obtained their driving licence after 1 January 1997 are only licensed to drive a vehicle with up to eight passenger seats plus the driver's. They need to gain a category D1PCV entitlement on their licence by meeting higher medical standards, and passing the appropriate Driving Standards Agency's test to drive a minibus.
27. Volunteer drivers are exempt from this requirement, and are allowed to drive a minibus with up to 16 passenger seats, plus the driver's, for social purposes by a non-commercial organisation provided that:
  - the vehicle isn't used for hire or reward
  - the driver has held a full B licence for at least two years
  - they don't receive any payment or other consideration for driving the vehicle, **other than out-of-pocket expenses**
  - the vehicle has a gross weight of no more than 3,500kg, or 4,250kg if it includes any specialised equipment for carrying disabled passengers. Please note some newer minibuses may exceed these weights
  - there's no attached trailer of any kind
  - the driver is aged over 21 years and under 70. If they're over 70 years of age, they must hold a valid PCV medical

- their contract of employment doesn't require them to carry out minibus driving duties. **They must be a volunteer.**
28. All minibus drivers must obtain a permit to drive these vehicles from the Fleet Management Service, Environmental Services, based at Stores Road Depot. Application forms for these permits are available from the Service.
  29. Managers are also strongly advised to obtain a Section 19 Permit if they want to operate or use a minibus. This is because, in most cases, a contribution is made towards the running costs of a particular journey or outing, which will mean the minibus is being used for hire or reward. Failure to get one of these permits could result in the minibus being used illegally, which will have serious legal and insurance implications. The Fleet Management Service issues Section 19 Permits.
  30. Further information on minibuses is in the Council's 'The Safe Operation of Minibuses' guidance document.

### **Fleet vehicles**

31. The Fleet Manager, Environmental Services, is responsible for the Council's Operator's Licence. This includes the maintenance of our fleet vehicles.
32. All employees who will be driving Council vehicles, including pool cars, as an essential part of their job must carry out a short driving assessment to verify their competence to drive the vehicle. Appendix 4 gives the Council's policy on recruiting employees to drive our vehicles.
33. Managers must make sure the employee is shown how to fill in the vehicle's records, including its logbook, and they know they must tell their manager if they:
  - have any medical conditions that may affect their ability to drive safely
  - are taking over-the-counter or prescription medicines which prohibit driving
  - have any motoring offences or convictions.
34. Additional training may be necessary depending on the employee's duties, and this could include:
  - securing wheelchairs
  - safe use of tail lifting equipment
  - safe loading of vehicles.
35. A record of the employee's training needs to be recorded on Vision, the Council's human resources computer system.

## Employees taking Council vehicles home

36. *More details to follow.*

## Reporting vehicle accidents

37. Managers must make sure that employees know what to do if an accident occurs while driving for work, and they investigate thoroughly any incidents reported to them.

## Fleet vehicles

38. All fleet vehicle accidents must be recorded on the Council's Accident Checklist at the time of the accident. Employees must follow the guidance given to them by the Fleet Management Service on accident reporting.
39. Managers must complete the Council's Motor Vehicle Claim Form, and this must be returned to the Fleet Management Service, Environmental Services, based at Stores Road Depot. Get further information from the Fleet Management Service on (64) 1514 or email [richard.kniveton@derby.gov.uk](mailto:richard.kniveton@derby.gov.uk).

## Employees using their own vehicles

40. Employees using their own vehicles, who have a road traffic accident while carrying out their duties, including travelling to and from work locations, must complete the Council's Report of an injury or dangerous occurrence form, F2508. This doesn't include commuting to work.

## Deterioration in driving performance

41. Managers must investigate complaints and issues arising from carrying out personal observations of poor driving to assess whether driver assessment is necessary.
42. Options available to the manager are:
- the employee attends a defensive driving course
  - they're redeployed temporarily to a job that doesn't involve driving
  - they're redeployed permanently to a job that doesn't involve driving.
43. Get advice from your departmental Human Resources Officer before carrying out the redeployment options, as this could have a significant effect on the individual's employment.
44. The Council's Fleet Management Section monitors fleet vehicle incidents. Where a fleet vehicle driver has **two** incidents for which they're at fault, Fleet Management will contact their manager to arrange driver training for the employee. The cost of this will be met by their department.
45. Note that defensive driving courses are to be used **only** as a training aid. Failure to meet assessment standards will highlight the need for more specific driver training. It's **not** to be used as a tool for disciplinary action.

## **Endorsements and convictions**

46. Employees must report to their manager all formal cautions and impending prosecutions resulting from their driving, whether on Council business or not. Managers must investigate the reasons for any endorsements and convictions to assess the risk to the employee and others, if they continue to drive for the Council or on its business.
47. Options available to the manager are:
  - the employee attends a defensive driving course
  - they're redeployed temporarily to a job that doesn't involve driving
  - they're redeployed permanently to a job that doesn't involve driving.
48. Get advice from your departmental Human Resources Officer before carrying out the redeployment options, as this could have a significant effect on the individual's employment.

## **Medical conditions and fitness to drive**

49. Employees must notify their manager of any medical condition likely to affect their ability to drive safely. Managers must:
  - obtain as much relevant information as possible from the employee, including why their driving may be affected
  - take them off driving duties until further clarification can be obtained
  - get advice from your departmental Human Resources Officer, if the proposed action is likely to have a significant effect on the individual's employment.
  - refer them to the Council's Occupational Health Service to:
    - confirm the employee's condition and that it stops them from driving
    - advise whether the condition is permanent
    - advise on the suitability of temporary or permanent redeployment.
50. Employees must complete the Driver Declaration Form annually to ensure their fitness to drive. Issues highlighted may result in a referral to the Council's Occupational Health Service.
51. All drivers should review their day-to-day health in respect of their ability to drive safely, for example, if they are suffering from influenza, asthma or a migraine.
52. All drivers have a legal duty to satisfy the eyesight requirements in the Highway Code.

## **Health surveillance**

53. Certain classifications of driver require periodic health surveillance to make sure that they're fit to drive. These are:

- drivers of passenger carrying vehicles, PCV
- heavy goods vehicle, HGV, drivers
- larger goods vehicle, LGV, drivers.

54. We will comply with the Driver and Vehicle Licensing Agency, DVLA, guidelines.

### **Substance misuse**

55. The problems of driving while under the influence of alcohol or drugs are well documented and known. Employees must **not** consume alcohol or illegal drugs before or driving for work. Contravention will be regarded as gross misconduct. The Council has an Alcohol / Drugs-Related Problems Policy, and the link to it is <http://derbynet/derbynet/download.asp?RefNum=523>. Employees with alcohol and drug problems will be treated sympathetically if they come forward for treatment.

56. All drivers must **not** drive while under the influence of alcohol or using unauthorised drugs. Don't forget that excessive alcohol or illegal drugs used the night before could still be in your body meaning that you won't be fit to drive. Authorised drug use should be declared to managers, and assessed, using medical opinion where appropriate, as to whether they will impair judgement or fitness to drive.

### **No smoking Policy**

57. The Council has a No Smoking Policy and the link to it is <http://derbynet/derbynet/download.asp?RefNum=855>. No Council employee is allowed to smoke while 'at work'. This means that smoking is banned while they are carrying out their duties and responsibilities as a Council employee.

58. Smoking is prohibited in:

- all Council owned vehicles
- any other vehicles provided by the Council in connection with work
- any employee's privately owned or leased vehicle if it's being used in connection with the Council's business.

## Mobile phones and driving

59. All drivers **must** follow the Council's Mobile Phones and Driving Policy if driving for and on the Council's business. This means you **mustn't** make or receive any calls or text messages using either a hand-held or hands-free mobile phone while driving for work. The ban covers **all** work-related driving, including when using Council vehicles, pool cars and employees' own vehicles. It also covers using other hand-held devices for sending and receiving data, such as PDAs and BlackBerrys.
60. Drivers may only use a phone in a vehicle when it is parked in a safe place. This means the driver must pull over and stop in a safe place to answer or make a call.
61. The link to the policy is <http://derbynet/derbynet/download.asp?RefNum=683>.

## Vehicle loading

62. Managers must make sure all vehicles are fit for purpose, and have had an assessment of this carried out. Check with the Fleet Management Service if you're unsure.
63. All vehicles must be loaded safely and securely, and the gross vehicle and axle weights adhered to at **all** times. It's a serious offence to use a vehicle that's overloaded.
64. All vehicles have a maximum permitted load, and details of gross vehicle weights will be on its vehicle plate. These are normally attached to the vehicle's cab or by the nearside door.
65. Drivers must make themselves aware of the weights that apply to their vehicle, and its appearance when fully loaded. This could be the relationship between the top of the wheels and mudguards, or some other method of gauging the load. If a vehicle is overloaded, it must have some of the load removed before going back onto the road.
66. Any loads must be secured from moving at all times, and endangering you, the vehicle and other road users. Open backed vehicles must use roping and sheeting to prevent loss of load. It's an offence under the Road Traffic Act to have an unsafe load. The Council's Fleet Management Section arranges roping and sheeting training courses.

## Drivers' hours and journey planning

67. Drivers of vehicles under 3.5 tonnes gross vehicle weight, GVW, must follow the UK's regulations on drivers' hours. Employees are permitted to spend 11 hours working each day, of which not more than ten hours should be spent driving.
68. Drivers of vehicles of more than 3.5 tonnes GVW must follow the European Union's regulations on drivers' hours and record keeping. These records are drivers' hours logbooks and tachographs.
69. It's very important that these regulations are followed as working long hours, which include driving long distances, can increase the probability of accidents. This is especially so when driving in adverse weather conditions.
70. Managers must make sure work-related journeys are properly planned and scheduled, taking account of adequate time, breaks, driver fatigue and weather conditions. This includes making sure planning work duties so that employees have sufficient time to drive safely within speed limits, and with adequate rest periods to reduce the risk of driver fatigue and tiredness.
71. See Appendix 6 for further information on drivers' hours and records.

## Information for employees

72. Managers must make sure all employees in any of our driver categories are given a copy of our Driving for Work Employee Information Sheet. A copy is given in Appendix 2.
73. Employees must be given time to read it and ask any questions. Record in their Vision personal file that they've been given a copy of it.

## PROVIDING INFORMATION AND GUIDANCE

74. Here are some suggested sources of H&S information and advice...

### Within the Council

- The Corporate Health and Safety Advisory Service, CHSAS. Contact us by:

 - 25 5578

 - [employee.HealthandSafety@derby.gov.uk](mailto:employee.HealthandSafety@derby.gov.uk)

 - Resources Department  
PO Box 6292, The Council House, Derby, DE1 2ZL

- Road Safety Section, Regeneration and Community,  - 64 1777
- Fleet Management Section, Environmental Services,  - 64 1514
- Trade union health and safety representatives

### Outside the Council

- The Health and Safety Executive, HSE

 - [www.hse.gov.uk](http://www.hse.gov.uk)

 - HSE Infoline - **0845 345 0055**

- RoSPA

 - [www.rospa.com](http://www.rospa.com)

 - **0121 248 2000**

- Department for Transport, DfT -  - [www.dft.gov.uk/roads/](http://www.dft.gov.uk/roads/) and [www.thinkroadsafety.gov.uk](http://www.thinkroadsafety.gov.uk)

- Driver and Vehicle Licensing Agency, DVLA -  - [www.dvla.gov.uk](http://www.dvla.gov.uk)

- Driving Standards Agency, DSA -  - [www.dsa.gov.uk](http://www.dsa.gov.uk)

- Automobile Association, AA -  - [www.TheAA.com](http://www.TheAA.com)

- Royal Automobile Club, RAC -  - [www.RAC.co.uk](http://www.RAC.co.uk)

- The Trades Union Congress, TUC

 - [www.tuc.org.uk](http://www.tuc.org.uk)

 - **020 7636 4030**

- Map sites:

 - <http://maps.google.co.uk/maps>

 - [www.multimap.com](http://www.multimap.com)

## Generic driving risk assessment

Hazard	Who will be affected?	Control measures	Risk level
Is the journey necessary?	Driver, passengers & other road users	Consider/use alternative forms of transport	Low
Insufficient time allowed for traffic conditions	Driver, passengers & other road users Individual(s) at destination	Plan sufficient time for journey avoiding routes known to be congested - build time for delays into the diary)	Low
Poor driver attitude	Driver, passengers & other road users	Case management	Low
Using hand-held or hands-free mobile phone	Driver, passengers & other road users	Switch phone to voicemail message service	Low
Carrying equipment and other objects	Driver, passengers & other road users	Ensure vehicle is suitable for the weight of items and that items carried are in the boot/hatch/load area and, where possible, secured to vehicle	Low
Driving under the influence of alcohol	Driver, passengers & other road users	Do not consume alcohol when you are to drive	Low
Use of drugs, both prescription & illegal	Driver, passengers & other road users	Do not drive after consuming any illegal drug. Heed warnings provided by GP/pharmacist on prescription drugs	Low
Driver fatigue	Driver, passengers & other road users	Plan time to take a rest/comfort break	Low
<b>Date:</b>	<b>Assessed by:</b>	<b>Review date:</b>	

**Driving for work employee information sheet**

*More details to follow.*

**Driver declaration form**

**DRIVER DECLARATION FORM**

This **must** be completed and signed by all employees who use their private motor vehicle on Derby City Council business

**Personal details**

Title	
Initials	
Surname	
Office address	
Date passed UK driving test	

**Vehicle details**

Status - owned / leased)	
Type	
Make	
Model	
Registration number	
Engine capacity	

The use of your vehicle for Council business is permitted under these conditions...

- You have a current, full valid Driving Licence.
- Using your own vehicle has been approved in advance by your manager.
- You have in force a motor vehicle insurance policy as is required by law for Business Use cover - this must provide cover for all your legal liabilities to third parties and passengers arising out of the use of your vehicle on Council business.

It's advisable to confirm to your Insurers, in writing, the exact purpose for which you may use your vehicle on business, quoting the estimated annual mileage and giving details of any goods and passengers which might be carried in this connection.

- You or your Insurers will bear all losses or damage to the vehicle arising from business use. It must be understood that, under no circumstances, will Derby City Council accept liability for any of the risks covered by your private motor vehicle insurance, nor any consequential losses, for example, any excess charges and/or loss of No Claims Bonus discount in the event of an accident.
- You have in force a valid MOT Certificate as required by law for cars over 3 years old.

- The car is taxed and in a roadworthy condition to drive. This means it's serviced in accordance with the manufacturer's recommendations.
- You will inform the Employee Service Centre and supply the following documentation should you change your vehicle at any time:
  - Vehicle Registration Document
  - Insurance Schedule
  - MOT Certificate if needed.
- You **must** notify your manager and Human Resources Officer immediately if your circumstances change, and any restrictions are imposed upon your ability to continue to drive, either permanently or temporarily.

Further information relating to the above can be found in the Travel and Subsistence Guidance Notes.

### Driver history and experience

Have you:						
a.	been convicted of any motoring offence during the last 5 years or is any prosecution / points pending?				Yes	No
b.	ever been disqualified from driving or had a driving licence suspended or revoked?				Yes	No
c.	ever had a motor vehicle insurance policy cancelled or refused or ever had special terms imposed?				Yes	No
d.	suffered from diabetes, epilepsy, heart disorder, defective vision or hearing, loss of use of any limb or any mental or physical infirmity?				Yes	No
e.	in the last 5 years been involved in any accident / loss, whether to blame or not, with any motor vehicle either owned or driven?				Yes	No
f.	Can you read a vehicle number plate at 20 metres in good daylight?				Yes	No
g.	Do you wear your glasses or contact lenses at all times while driving?				Yes	No
Please give details if the answer to any of these questions is YES						
a), b) c), d) e), f), g)	Date of accident, conviction or onset of condition	Offence code for conviction	Fine imposed if a conviction or cost of own damage from an accident	Cost of Third Party damage if known	Brief details including details of any persons injured in an accident	


- Should a change occur in any medical condition that is likely to affect your driving ability, you must report this change to your manager and Human Resources Officer. You must also report this to the Driver and Vehicle Licensing Agency, DVLA.

**Employee declaration**

I confirm that, as far as I am aware, the statements made by me are true and complete. I have read, understood and accept the terms relating to the use of my vehicle on Council business, and agree to abide by them. I also confirm that I have received, read and understood the Driving for Work Policy and the Travel and Subsistence Guidance Notes.

I confirm that I have produced the original documentation below, which has been checked by my manager:

Driving licence - paper version and photo card where applicable	<input type="checkbox"/>	Insurance schedule	<input type="checkbox"/>
Vehicle Registration Document	<input type="checkbox"/>	MOT Certificate	<input type="checkbox"/>

Derby City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data. The details provided on this form will only be used for the stated purpose and not shared with other organisations without your knowledge.

	<p>The personal information that you provide on this form will be handled by Derby City Council in accordance with the Data Protection Act 1998. We don't pass on your details to any third party without your knowledge unless the Council is legally obliged to do so.</p>
-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Employee name: \_\_\_\_\_ Department: \_\_\_\_\_  
Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Manager's authorisation:**

I confirm the employee will be using their own vehicle for business purposes. I certify that I have checked, where applicable, the required documentation above.

Manager (name): \_\_\_\_\_ Date: \_\_\_\_\_  
Manager's signature: \_\_\_\_\_

**Please return the signed form to:**

Employee Service Centre, Resources, Derby City Council  
PO Box 6291, The Council House  
Corporation Street, Derby  
DE1 2FS

**Policy on recruiting employees to drive Council provided vehicles**

**1. INTRODUCTION**

- 1.1 This policy is to meet new occupational road risk legislation.
- 1.2 From 1 April 2004, the Council has introduced a requirement for employees who will be driving Council provided vehicles to undertake a short driving assessment to verify their competency to drive the vehicle they will be expected to drive.

**2. SCOPE**

- 2.1 This policy applies to all Derby City Council employees where driving one of the Council's vehicles is an essential part of their job description.

**3. RECRUITMENT**

- 3.1 Job offers must be made subject to successful completion of a driving assessment carried out by the Fleet Management Service, Environmental Services.
- 3.2 A copy of the driving licence must be sent to the Fleet Manager, Fleet Management Service, Environmental Services, 15 Stores Road, Derby, before a job offer is confirmed.
- 3.3 The Fleet Management Service will arrange for the driving assessment to be carried out.
- 3.4 If a person fails the driving assessment, training recommendations will be made by Fleet Management.
- 3.5 The department may still employ that person, but it must be a condition of the appointment that the employee must successfully complete the driving assessment within six months. Suggested wording for appointment letters and statement of particulars is given in Appendix A.
- 3.6 The employee will not be allowed to drive until they have been confirmed as competent.
- 3.7 The manager must review progress and arrange further assessments at normal probationary periods - one, three and six months.

**4. FURTHER INFORMATION**

- 4.1 Further guidance and advice is available from Richard Kniveton, Fleet Manager on 64 1514.

## **APPENDIX A**

It is an essential requirement of your job that you are able to competently drive a Council vehicle. Your appointment will only be confirmed when you have successfully completed a short driving assessment carried out by our Fleet Management Service.

If you fail this assessment, Fleet Management will make training recommendations. We may still offer you the job but you will not be allowed to drive until you have successfully completed the assessment, and confirmation of your appointment will depend on this.

You will be reviewed and reassessed at one, three and six monthly intervals.



### Drivers' hours and records

All drivers of Council vehicles, which have a gross vehicle weight in excess of 3.5 tonnes, operate under British law for drivers' working hours and record keeping. Drivers should acquaint themselves with the overall weights of their vehicles to check the need for them to comply with this legislation.

For those drivers where legislation applies, the following driving and working limits apply:

<b>Daily Driving</b>	10 hours maximum
<b>Daily Duty</b>	11 hours maximum.

There are no stipulated times for breaks within these regulations.

A driver is exempt from their duty limit on non-driving days. This also applies to a driver who doesn't drive for more than four hours on each day of the week.

**Driving time** - Driving time is the time spent at the controls of the vehicle for the purpose of controlling its movement, whether it's in motion or not.

**Light vans and dual purpose vehicles** - Drivers of light vans, not exceeding 3.5 tonnes permissible weight, and dual purpose vehicles are subject only to the maximum 10 hours daily driving regulations when engaged solely in certain professional activities. These are persons using their vehicles to assist in the carrying out of any service of inspection, cleaning, maintenance, repair, installation or fitting.

**Emergencies** - When events cause, or are likely to cause danger to life or the health of persons or animals, serious interruption to the maintenance of public services or a serious interruption in the use of roads, driving and duty limits may be exceeded, provided the driver does not spend time on duty, other than to deal with the emergency, for periods totalling more than 11 hours.

**Drivers operating under domestic law** are exempt from the tachograph regulations. However, they are required to keep records by using an individual record book. These are available from the Fleet Management Service at Stores Road Depot, tel. no. 01332 641514. Driver hours' record books should be filled out correctly. The following information will be required:

1. Date book first used / date book last used
2. Surname, first name and address
3. Name and address of employer
4. Operator's Licence Number.

A new sheet must be used each week, a week being from Sunday/Monday to midnight the next Sunday/Monday. The driver must complete boxes 1 and 2 of the sheet at the start of the week, and then every day that is a relevant.

Boxes 3 - 9 are to be completed at the appropriate times. All entries must be made in ink or with ballpoint pen. No erasures may be made, and any corrections required must be made in such a way so as not to obliterate the original entry. Corrections must be initialled.

The driver's record book is his own personal property, and must remain with him whilst on duty. The book should be made available to any authorised inspecting officer on request.

The driver must return the book within 7 days of the end of each week of driving, or earlier if required, so that the employer can check and countersign the entries. The top sheet must be kept in the book, and the duplicates removed and filed. When the book is complete, the driver must return this to his supervisor within 14 days. Completed books must be returned to the Fleet Management Service's offices for safekeeping.

**Exemptions** - A driver is exempt from having to keep records if he drives a vehicle not exceeding 3.5 tonnes GVW. Also drivers operating under British law needn't keep records, if they drive for no more than four hours on any day of the week, and don't go outside a 50km radius from the operating centre.

## **MINIBUS DRIVERS**

**Daily Driving** - 10 hours in any working day.

**Continuous Driving** - 5 hours - after this time a break of at least 30 minutes must be taken; or for an 8 hours driving period, as long as breaks from driving totalling 45 minutes are taken during the driving period, and a 30 minute break is taken afterwards.

**Length of Working Day** - 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 2 working days. This can be reduced to 8 hours up to 3 times a week.

**Fortnightly Rest Periods** - In any 2 weeks in a row, Monday to Sunday, there must be at least one period of 24 hours off duty.

**See 'The Safe Operation of Minibuses' Guide for further details.**

Contact the Fleet Management Service for further information on drivers' hours or drivers' records.



## Setting the policy status

1. This is the Council's corporate policy on health and safety, H&S, training. It links into our Health and Safety Policy Statement of Intent and other key policies, including the:
  - H&S Risk Assessment Policy
  - H&S Representatives' Charter
  - Stress Management Policy
  - Managing Contractors Policy.
2. All corporate H&S policy and guidance documents are available on the Council's intranet, Derbynet. To find them from the homepage go to Staff Support, then Health and Safety Policies and Guidance. Alternatively, follow this link - <http://172.16.1.41/derbynet/hr.asp>.
3. The H&S Training Policy sets minimum standards that **all** stakeholders must meet. This includes:
  - Chief Officers
  - managers. This means anyone who has responsibility for managing employees, including school-based staff
  - employees, including those with additional H&S duties, such as site duty holders under the Good Stewardship Guide, or staff who design and commission work
  - the Corporate Health and Safety Advisory Service, CHSAS.
4. Departments can adopt higher standards than those outlined in this policy to meet their specific operational and regulatory needs and arrangements.
5. Suitable H&S training can be provided in a range of ways. Depending on the individual circumstances, this might include internal corporate or departmental training courses, on-the-job training with another experienced employee, 'toolbox talks' or team briefing sessions, formal externally accredited courses, e-learning packages, practical workshops, mentoring or coaching schemes.

## Demonstrating commitment

6. The Council is committed to protecting its employees' health, safety and well-being. We believe that the best way to do this is through a proactive health and safety management system backed by the continuing development of all employees. The Council requires H&S training to be a priority for employees at all levels throughout the organisation. Completion of specified H&S training will be **mandatory**.

7. The Council is committed to meeting its legal obligations under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999. This means we will provide whatever information, instruction and training is needed to ensure, so far as is reasonably practicable, the health and safety of our employees and anyone else that may be affected by our activities.

### **Supporting continuous improvement**

8. To achieve continuous improvement, we will:
- carry out training needs assessments for all employees. These will be developed using the competency matrix attached at Appendix 1, and be implemented through the Council's Achievement and Development process
  - provide effective training and refreshers at agreed intervals. The Corporate H&S Advisory Service, CHSAS, will develop and run a programme of general H&S training sessions. Specialised H&S training, such as to work safely in confined spaces, should be organised by departments with advice and support from the CHSAS
  - evaluate, monitor and audit H&S training
  - record all H&S training on Vision.

### **Promoting employee participation**

9. The Council supports and encourages employee participation in H&S matters, including H&S training. This is because we recognise that active employee involvement in H&S training helps to promote a positive H&S culture.
10. To achieve this, we will encourage trade union:
- involvement in the development, evaluation and review of H&S training. We will use established consultation working groups, such as the Health, Safety and Welfare Development Group, to do this
  - attendance and feedback on the courses provided as part of the CHSAS corporate training programme.
11. We will also develop and implement course evaluation processes to collect honest feedback from employees. We will use their feedback to improve our courses.

### **Equalities**

12. H&S law is by nature non-discriminatory in that it aims to protect the health, safety and well-being of individuals. Our policy requires H&S training needs assessments to be carried out with employees. This should make sure the H&S training employees get is appropriately tailored for them. All our corporate H&S training will emphasise this non-discriminatory approach.

## **DEFINING RESPONSIBILITIES**

### **The Council**

13. The Council, through its Cabinet, has overall responsibility for the health, safety and welfare of all employees and anyone else that could be affected by our work activities. We will provide H&S training opportunities to help Members meet this responsibility.

### **The Chief Executive**

14. The Chief Executive, through the Assistant Director - Human Resources, is responsible for making sure effective H&S policies are developed and implemented consistently across the Council. An essential part of this is providing appropriate and effective H&S training.

### **Chief Officers**

15. Chief Officers and their senior management teams are responsible for making sure each department meets the requirements of this policy. This means they must:
  - oversee the development and implementation of departmental H&S training needs assessments, arrangements, action plans and training provision
  - make sure H&S training is included in business planning processes and resources are prioritised for it
  - show their positive and visible commitment to H&S training by:
    - taking part in appropriate H&S training and briefing sessions themselves
    - making sure their staff attend mandatory H&S training
  - actively check that their department undertakes appropriate H&S training and monitor the results
  - make sure arrangements are in place to keep accurate H&S training records using Vision.

### **Managers**

16. The Council believes that making sure employees have appropriate H&S training to work safely is a key management responsibility. Managers should have the detailed knowledge of their employees, workplaces and activities that is vital for deciding H&S training needs.
17. Managers are responsible for:
  - identifying H&S competency requirements for all jobs within their service areas, in consultation with CHSAS
  - identifying their employees' H&S training needs through risk assessment and task monitoring
  - using A&D meetings to agree H&S training needs and action plans with employees

- developing H&S training plans for their services, and feeding them into the business planning process so resources can be prioritised
- liaising with CHSAS to identify suitable training for their employees
- making sure employees attend agreed H&S training. This includes:
  - enabling them to do so by making any necessary changes to rotas or setting up cover arrangements
  - giving encouragement and support
  - dealing proactively with anyone who is reluctant to attend or consistently fails to do so
- checking that employees have understood key messages from H&S training, such as safe working methods, how to use risk control measures and emergency actions. Managers **must** take action if they feel an employee needs further H&S training to work safely and without risk to their health. This might include:
  - identifying additional formal training
  - arranging some individual coaching
  - making temporary changes to tasks until the training has been successfully completed
- making sure essential H&S induction, on-the-job, cascade training and information is provided for their employees
- demonstrating their commitment to H&S by attending appropriate H&S training themselves
- making sure their employees' H&S training is recorded on Vision.

### **Employees who procure goods, commission or specify work**

18. Employees have additional H&S training needs if they:
- procure goods or services on behalf of the Council, such as furniture, cleaning products, electrical and IT equipment, agency workers and volunteers
  - design work for others to do
  - specify how a task has to be done, the materials, substances or equipment to be used
  - commission work from contractors.
19. These needs will vary with the individual's role and the task involved, but may include training in the requirements of:
- the Construction (Design and Management), CDM, Regulations
  - our Managing Contractors Safely Policy
  - the Control of Substances Hazardous to Health, COSHH, Regulations
  - the Provision and Use of Work Equipment Regulations.

Contact CHSAS for specific help assessing the training needs of these employees.

## **Corporate Health and Safety Advisory Service, CHSAS**

20. CHSAS will:

- provide an annual corporate H&S training programme covering H&S issues that are generally relevant to employees across the Council
- provide departmental H&S training on specific issues, as required
- provide briefings on new legal, policy and best practice requirements, as appropriate
- monitor and audit H&S training needs assessments and competency requirements, and report any shortfalls through departmental management teams, DMTs
- monitor and audit departmental H&S training provision
- include details of H&S training activity in periodic departmental and corporate reports
- give guidance and advice to managers to help them:
  - identify H&S competencies for their services
  - complete H&S training needs assessments and action plans
  - identify any specialist training provision, if it's needed.

### **Employees**

21. The Council has a legal duty to provide suitable health and safety training for its employees. This must be:

- adapted to the needs and capabilities of the employees it's aimed at
- provided during normal working hours. If this isn't possible, then employees must be paid, or given time off in lieu, to attend outside their normal hours
- 'topped up' by refresher training at statutory or reasonable intervals.

22. Employees have H&S training responsibilities as well as rights. These include:

- meeting the requirements of the Health and Safety Training Policy. This means taking all reasonable steps to:
  - help managers identify the H&S competencies required for all jobs
  - develop any additional skills or knowledge they need to achieve the H&S competencies identified for their role
- following any H&S training, instructions and safe working procedures
- being co-operative in all H&S matters, including attending and actively participating in H&S training
- helping us to develop and refine our H&S training by providing constructive feedback through our course evaluation process.

## Trade union health and safety representatives, HSRs

23. HSRs have legal rights in the workplace. These include the right to:
- inspect and take copies of any documents or records linked to health and safety in the workplace, including for H&S training
  - be consulted about any planned changes to training that could affect their members' health and safety
  - monitor and review H&S training, policy and any departmental arrangements
  - investigate their members' complaints about H&S training
  - attend and evaluate any new H&S training initiatives.
24. In the spirit of partnership working, we encourage and will support HSR input to and feedback on H&S training matters.

## PROVIDING INFORMATION AND GUIDANCE

25. Here are some suggested sources of H&S information and advice...
- The Corporate Health and Safety Advisory Service, CHSAS. Contact us by:
    -  - 25 5578
    -  - [employee.HealthandSafety@derby.gov.uk](mailto:employee.HealthandSafety@derby.gov.uk)
    -  - Resources Department  
PO Box 6292, The Council House, Derby, DE1 2ZL
  - Trade union health and safety representatives.
  - The Health and Safety Executive, HSE.
    -  - [www.hse.gov.uk](http://www.hse.gov.uk)
    -  - HSE Infoline - **0845 345 0055**

**M** = Mandatory - refresher every 3 years

**R** = Recommended

	Chief Officers	Assistant Directors	Cabinet Members	Heads of Service	Managers Team leaders Supervisors	Centre managers	Acting / deputy managers	Buildings responsible persons	Site duty holders	Staff with relevant duties	Schools	Head teachers	Acting / deputy head teachers	School management teams	Heads of Department	Safety Co-ordinators	Staff with relevant duties	Buildings responsible persons	Site duty holders
Leading H&S (IoD)	M	M	M	R															
Management of H&S				M	M	M	M	R						R	R	M		R	
H&S for Head Teachers												M	M						
Stress management policy	R	R	R	M	M	M	M			M		M	M	R	R	R	M		
General risk assessment				M	M	M	R	R		M				R	M	M	M	R	
Good stewardship - Corporate				R				M											
Good stewardship - Schools												M	M	R				M	R
COSHH						R	R			M				R	R		M		
Fire safety					M	M	M	R	M	M				R	R		M	R	M
Water hygiene								R	M	M							M	R	M
Managing asbestos								R	M	M							M	R	M
Managing contractors				R	R	R	R	R	M	M				R	R	R	M	R	M
Manual handling - inanimate objects					R	R	R			M						R	M		
Accident investigation & reporting				R	M	M	M			M		R	R	R	R	M	M		
Display screen equipment, DSE										M							M		

Some role definitions are very broad and so more training than is shown may be necessary. Staff may also fit into more than one category, for example, those in strategic roles may need to attend a display screen equipment course if they're identified as a user. In addition, training from external providers may be required. The Corporate Health and Safety Advisory Service will be happy to assist in identifying suitable courses.

H&S induction training **must** be provided for new starters and when any employee is promoted or moves jobs internally.

In certain circumstances non-employees, such as contractors or volunteers, may also be required to attend health and safety training courses provided by the Council.