

CONTROLLED DOCUMENT

Motor Vehicle Policy (previously known as 'Fleet Policy')

CATEGORY:	Policy
CLASSIFICATION:	Governance
PURPOSE:	To set out the principles for the management of the Trust Fleet and to ensure compliance with the Health and Safety legislation, in particular the vehicle as a 'workplace'
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<ul style="list-style-type: none"> • Essential Reading for: • Information for: 	<p>All Directors, Senior Managers and Department Heads</p> <p>All Staff</p>

¹ If this Controlled Document will have an impact on any contracts held by the Trust, once approved, this will need to be sent to the Procurement Team requesting that it be added to the Procurement Policy Portal

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1. Policy Statement

1.1 University Hospitals Birmingham NHS Foundation Trust (the 'Trust') is responsible for the health and safety of its staff whilst at their place of work (Health and Safety at Work etc. Act 1974). Any vehicle in which a member of staff carries out business on behalf of their company or employer is regarded as a place of work and is therefore subject to the legislation. The Trust is required to carry out an assessment of the risks to the health and safety of its staff, while they are at work, and to other people who may be affected by their work activities.

Operator's Licence

1.2 The main purpose of goods' vehicle operator licensing is to ensure the safe and proper use of goods vehicles and to protect the environment around operating centres. The licensing provisions can be found in the Goods Vehicles (Licensing of Operators) Act 1995 (the Act), the Goods Vehicles (Licensing of Operators) Regulations 1995, the Road Transport Operator Regulations 2011, and the Goods Vehicles (Licensing of Operators) (Fees) Regulations.

1.3 The Trust's vehicles (owned or leased), will meet all applicable statutory regulations, comply with Road Traffic Law enforced by police, courts and traffic commissioners. These vehicles and the way they are driven must comply with the Health and Safety at Work Act 1974, the Road Traffic Act 1988 and the Management of Health and Safety at Work Regulations 1999. The Trust's Transport Manager (the named person on the Operator's Licence) is responsible for ensuring that the above standards are met and maintained.

1.4 Any vehicle owned, leased or hired by the Trust may only be used for the purpose for which it is intended, which is Trust business and may not be used for any other purpose. Misuse of vehicles is a disciplinary offence.

1.5 Furthermore, under the legal principle of "Vicarious Liability", the Trust is jointly liable for any negligent actions or omissions of its staff "during the course of their employment". In other words, Third Parties, who have sustained a loss or injury through the negligence of Trust staff who use a vehicle "during the course of his/her employment", can claim full compensation from either the staff member of the Trust or the Trust itself.

1.6 The purpose of the Motor Vehicle Policy is to provide a framework for an efficient and compliant management of "Trust Vehicles" (vehicles owned or leased by the Trust) and "Private Vehicles" (private/hire cars used for Official Business Journeys) with a view to complying with the legislative requirements outlined above.

1.7 The aims of this policy are to:

1.7.1 Continuously review and improve workplace transport safely;

- 1.7.2 Undertake planned programmes of risk assessment, driver training, driver competency assessments, as well as vehicle maintenance and safety;
 - 1.7.3 Ensure all relevant legislation, regulations, Health Technical Memoranda and good Industry practice guidelines are implemented and adhered to.
 - 1.7.4 Review workplace transport procurement, systems and operations to minimise the effect on the environment of Trust workplace transport operations; and
 - 1.7.5 Where applicable, safely manage the Trust shuttle bus service in relation to the transportation of goods and services.
- 1.8 This policy is supported by associated procedural documentation, such as the Managers' Advice and Guidance – Driving Licences and Grey Fleet FWT-SOP-003, the Trust's Drivers Code of Practice FWT-SOP-004.

2. Scope

- 2.1. This policy applies to all areas of the Trust and anyone who drives a Trust Vehicle or a private vehicle or hire car for Official Business Journeys, including staff who are formally employed by the Trust, those employed on an honorary contract, and in certain circumstances detailed in the Framework section, contractors, locum staff, bank and agency staff.
- 2.2. This policy **excludes** the duties and responsibilities of non-Trust organisations or individuals (unless otherwise specifically specified) in relation to (these will be under the respective organisation or individual's responsibility):
 - Driver competency;
 - Loading and unloading of vehicles;
 - Vehicle maintenance; and
 - Vehicle selection and suitability.

3. Definitions

Driver Permit	Permit issued by the Delegated Manager to indicate that a driver has been authorised to drive a "Trust Vehicle".
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Trust Expense Management System	Trust Expense Management refers to the systems deployed by the Trust to process, pay, and audit employee-initiated expenses. These costs include, but are not limited to, expenses incurred for travel on Official Business Journeys. Expense management includes the policies and procedures that govern such spending, as well as the technologies and services utilised to process and analyse the data associated with it.
Official Business Journey	Journeys that are carried out during the course of the employment, i.e. journeys that have been expressly or implicitly authorised by the Trust in order to carry out or further Trust business. The term “Official Business Journeys” includes journeys to meetings/training sessions away from the usual work place and excludes the commute between the usual work place and home.
Place of Residence	This will be the residence Trust staff have submitted as their main place of residence for the purposes of receiving Trust paperwork including, but not limited to, payslips and P60s.
Grey Fleet	The Grey Fleet consists of staff-owned or leased vehicles, bought with their own money and reimbursed on a pence per mile basis. A Grey fleet driver is one who uses these vehicles during the course of their employment to drive on Trust official business to meetings, training session or workplace away from the usual workplace.
Trust Fleet Insurance Policy	The motor insurance policy that covers all Trust Vehicles.
Trust Fleet Log Book	A log book of all Trust Vehicles detailing make, model, year, colour and registration number, in addition a log of the Driver Permit detailing name and permit number of any Trust Vehicle Driver.
Trust Vehicle	Vehicles that are either owned or leased by the Trust and are allocated and/or managed by the Trust.
Trust Vehicle Driver	Employees of the Trust who drive a Trust Vehicle in the course of their employment where they have been authorised, implicitly or expressly, by the Trust to carry out or further Trust business.
Trust Vehicle Manager	All Managers who authorise the use and allocation of Trust Vehicles. Each department that uses one or more Trust Vehicles will appoint a Trust Vehicle Manager.

4. Framework

- 4.1. This section describes the broad framework for the management of the Trust Fleet to ensure that the Trust complies with its statutory duties as an employer.
- 4.2. The Director of Corporate Affairs delegates the approval of the procedural documents associated with this policy to the Deputy Foundation Secretary, who shall approve any amendments to such documents and ensure that such documents are compliant with this policy.
- 4.3. The framework is divided into the following sub-sections:
 - Authorising Official Business Journeys
 - Trust Vehicle Driver authorisation
 - Journey time to and from work
 - Principles of licence checking
 - Principles of Trust Vehicle allocation
 - Permitted and prohibited use of Trust Vehicles
 - Road Traffic Incidents
 - Insurance
 - Driver training
 - Vehicle roadworthiness
 - Fleet management

4.4. Authorising Official Business Journeys

A member of staff, contractor, agency/bank worker or locum staff may be authorised by the Trust to use a private car or hire car for Official Business Journeys, provided the following conditions are met:

- 4.4.1. Driving Licence: All Drivers must hold a valid and current driving licence which is to be checked by the Trust Vehicle Manager. They must also familiarise themselves with the Managers' Advice and Guidance – Driving Licences and Grey Fleet FWT-SOP-003.
 - **Business insurance cover:** where the individual is using their own private vehicle, they are covered by a motor insurance policy which covers 'business use' for the amount and type of mileage they undertake and, if necessary, also covers 'business passengers' – together referred to as

'business cover'. Most car insurance policies will cover a car for 'social, domestic and pleasure' (SDP) use and commuting. This covers the normal day-to-day use of a vehicle for travelling to and from work, trips to the shops, visiting friends and family, etc. While this type of insurance policy does insure the individual for travelling to their regular place of work, it does not offer cover for any further business travel or work purposes; therefore, staff must ensure that they arrange for appropriate cover through their own insurers.

- 'Business cover' normally takes one of the following three forms:
 - **Private and occasional business use:** This covers private use, commuting and also includes use for occasional business purposes by the regular driver or spouse. However, the vehicle must not be registered for business use and must not be an essential part of earning income.
 - **Private and business use:** This insures all of the features listed above, but with the addition of business use for the regular driver, spouse or any named driver on the insurance policy.
 - **Commercial travelling:** This covers a policy holder for whom travelling in their own vehicle is a regular part of their job, such as a community nurse/midwife.

4.4.2. Where the individual is planning to use their own private car/hire car for an Official Business Journey, irrespective of whether they intend to claim expenses for Official Business Journeys, they must register with the Trust's online expense management system and submit a copy of a valid insurance certificate to the Expenses Team before the journey. The appropriate mileage allowance includes the additional costs of taking out 'business cover'. Staff must not use their own private car/hire car for an Official Business Journey without complying with this requirement.

4.4.3. Where the Driver is an agency worker or temporary member of staff, Line Managers must check with the agency/principal employer whether they have carried out the licence and insurance checks for the individual involved. In case of doubt, Line Managers will obtain the consent of the agency/principal employer to the Official Business Journey so as to ensure that the Trust can recover any losses from the agency/principal

employer, in case there is an accident in the event of negligent conduct of the Private Driver.

4.5. Journey time to and from work

- 4.5.1. Where staff do not have a fixed place of work, the time spent by those staff travelling each day between their Place of Residence and the first and last destination designated by the Trust will constitute as working time as set out in the European Working Time Directive.
- 4.5.2. For staff who have a fixed place of work but are required to travel to another destination designated by the Trust, the additional time travelled (the travel time from their Place of Residence to the designated destination minus their usual travel time from their Place of Residence to and from their fixed place of work), will constitute as 'working time' as they will be deemed to be at the Trust's disposal for the time of the additional journey.

4.6. Trust Vehicle Driver authorisation

- 4.6.1. A Delegated Manager may authorise a member of staff to become an authorised Trust Vehicle Driver, provided the applicant meets the following requirements as set out in the associated Procedures:
- a) Be employed by the Trust by contract of employment;
 - b) Be of 21 years of age or over;
 - c) Be in possession of a full and valid driving licence (UK, Irish or EU) for the category of vehicle to be driven and held for at least 2 years with no more than 3 penalty points endorsed at the time of issue of the Driver Permit;
 - d) Has signed the Drivers' Declaration Form attached to the Trust's Drivers Code of Practice FWT-SOP-004 to confirm that they have read and become familiar with the content of the manual;
 - e) Has obtained a Driver Permit from the Facilities Manager; and
 - f) Has been assessed for any training needs by the immediate Trust Vehicle Manager and Transport Manager.

4.7. Principles of Licence Checking – Vehicles owned or managed by Trust

- 4.7.1. Trust Vehicle Managers shall check the licences of all authorised Trust Vehicle Drivers working in their

department/division at annual intervals at the same time as the Driver Permit is due to be renewed.

- 4.7.2. Further details as to the licence checking requirements can be found in the Managers Advice & Guidance – Driving Licences and Grey Fleet (private vehicles used for business purposes) FWT-SOP-003.

4.8. Principles of Vehicle Allocation

- 4.8.1. The fundamental principle is that Trust vehicles allocated for work related purposes are the same as any other asset used for the effective provision of Trust services. Their use is therefore subject to normal considerations of efficiency, effectiveness, responsibility and equity and to appropriate standards of probity and accountability.
- 4.8.2. Where efficient to do so, public transport or the Trust's staff shuttle bus service must be chosen over the use of a Trust Vehicle. The use of privately owned vehicles will be limited to infrequent and short business trips.

4.9. Permitted and prohibited use of Trust Vehicles

Any vehicle owned, leased or hired by the Trust may only be used for the purpose for which it is intended, which is Trust business and may not be used for any other purpose, including personal use. Misuse of Trust vehicles is a disciplinary offence.

4.10. Road Traffic Incidents

All Drivers must refer to the associated procedure for the Reporting and Management of Road Traffic Incidents (RTI) or near miss which is explained in the Driver's Code of Practice FWT-SOP-004.

4.11. Insurance

- 4.11.1. The Deputy Foundation Secretary is responsible for ensuring that the Trust has the appropriate classification and level of insurance in place for all Trust Vehicles (Trust Fleet Insurance). Delegated Managers must advise the Deputy Foundation Secretary without delay of any vehicles that must be added to, or removed, from the list. The insurance arrangements are to be approved by the Director of Corporate Affairs.
- 4.11.2. Delegated Managers must check whether Trust Vehicle Drivers in possession of a foreign (non-UK/Irish/EU) driving licence will be covered by the Trust Fleet Insurance Policy. Refer to

4.11.3. Where Private Vehicles (Grey Fleet) are used for Official Business Journeys, it is the Grey Fleet Driver's responsibility to ensure that the vehicle in question is covered by a motor insurance policy that includes 'business use' and 'business passengers'. Private Drivers must register with the Trust's online system to provide assurance to the Trust of appropriate motor insurance cover this is irrespective of whether they intend to claim expenses.

4.12. **Driver training**

Trust Vehicle Drivers' training needs are to be assessed by the Trust Vehicle Manager in conjunction with the Transport Manager before the authority to drive a Trust Vehicle is granted, and annually thereafter. Identified training needs are to be communicated to the Facilities Manager who will arrange such training.

4.13. **Vehicle Roadworthiness**

4.13.1. Vehicles must be kept in a roadworthy condition at all times, which ensures high standards of vehicle safety, protects drivers, passengers, pedestrians and other road users, and contributes to reducing harmful environment pollution.

4.13.2. All cars must be regularly safety inspected (including tyre pressure, oil and fluids) and be maintained in accordance with manufacturer's recommendation. They must also have a valid MOT certificate (Ministry of Transport) annually if over three years old.

4.13.3. Commercial vehicles must be safety inspected, maintained and repaired in accordance with manufacturer's recommendations, lease arrangements and the terms and conditions of the Operator Licence, at a garage approved by or agreed with the West Midlands Traffic Area.

4.13.4. The Trust Transport Manager is responsible for ensuring Trust vehicles are serviced and maintained to the recommendations as per lease arrangements and/or manufactures guidelines. Also vehicles designated heavy goods vehicles (HGVs) and public service vehicles (PSVs) must meet the legislation requirements that the Traffic Commissioners detail in their Statutory Guidance Document.

4.13.5. Drivers' responsibilities are to ensure the vehicle they drive is checked and fit for use prior to use and as detailed in the

Driver's Code of Practice FWT-SOP-004. Drivers of HGVs or PSVs who fail to complete adequate checks and found to be liable by the Traffic Commissioners may result in the loss of their vocational driving licence.

4.14. Fleet Management

- 4.14.1. The Deputy Foundation Secretary is required to keep a log book of all Trust Vehicles (Trust Fleet Log Book), setting out the make, model, year, colour and registration number, as well as the name and Driver Permit number of any driver authorised to drive each vehicle. This log book is to be reviewed annually and 2 months prior to any change or renewal of the Trust Fleet Insurance Policy.
- 4.14.2. The Transport Manager, a Standard Licence holder for Goods Vehicles and Passenger Carrying Vehicles, is required to meet the standards of professional competence and to be of good repute to hold these licences. They must fulfil the statutory requirements for having continuous and effective responsibility for the management of the transport operations of business in so far as they relate to the carriage of goods (HGVs) or road passenger transport (PSVs). The transport manager retains legal responsibility regardless of whether their activities are delegated.

4.15. Transportation of Hazardous Goods

- 4.15.1. Special arrangements are made for the transportation and handling of dangerous or hazardous goods. These are governed by the Carriage of Dangerous Goods Regulations 2009, the Control of Substances Hazardous to Health (COSHH) Regulations 2002 and various Waste Management Regulations in force to implement Section 34 of the Environmental Protection Act. Any manager consigning goods that fall within the scope of these regulations must ensure that they are met in full. If in any doubt as to the hazard classification of goods being consigned and the appropriate control measures necessary, a Department must consult the Trust Transport Manager. Current dangerous hazardous goods are, but not limited to:
- specimens,
 - cytotoxic and cytostatic drugs, and
 - pharmacy items
- 4.15.2. At appropriate intervals the Trust's Transport Manager will consult with an accredited Dangerous Goods Safety Advisor to review its register of transportable dangerous substances and

audit its methods of transport. Records of these audits must be maintained, together with any compliance recommendations

4.15.3. In accordance with the Carriage of Dangerous Goods Regulations 2009 and Sections 8 and 10 of HTM 07-01: Safe Management of Healthcare Waste, any Department with a need to transport material(s) classified as dangerous goods, must, in the first instance, contact the Trust Transport Manager to ensure compliance with all legislative requirements and insurance requirements

4.15.4. All persons driving on Trust business are likely to come into contact with, and may be required to handle, substances hazardous to health as defined by the COSHH Regulations. In these cases, the Trust's standard procedures in relation COSHH must be followed.

4.16. **Transportation of Hazardous Waste**

The transportation of hazardous waste is undertaken by the Trust nominated waste carrier who will have the appropriate licences/permits in place to undertake this function. Any such requests should be referred to the Trust Lead Manager for waste.

5. Duties

5.1. **Board of Directors**

5.1.1. The Board of Directors has a shared responsibility to ensure the health and safety of Trust staff and wider public. Under the Corporate Manslaughter and Corporate Homicide Act 2008, they can be prosecuted for gross negligence leading to the death of Trust staff or members of the public.

5.1.2. In incidents involving Trust staff driving whilst on an Official Journey that results in a fatality, the Board of Directors is required to demonstrate that the correct policies and procedures were in place with regard to the vehicle/driver legalities and vehicle maintenance/safety.

5.2. **Director of Corporate Affairs**

The Director of Corporate Affairs will:

5.2.1. Approve the motor insurance arrangements; and

5.2.2. Notify the Board of Directors of any serious breaches against this policy.

5.3. **Deputy Foundation Secretary**

The Deputy Foundation Secretary will:

- 5.3.1. Arrange for motor insurance policy for all Trust Vehicles;
- 5.3.2. Approve associated procedures and subsequent amendments thereto;
- 5.3.3. Monitor any motor insurance claims;
- 5.3.4. Monitor compliance with this Policy and any related procedural documents;
- 5.3.5. Review and, if necessary, revise this policy and any related procedural documents;
- 5.3.6. Forward all Trust Vehicle Driver witness statements to the Trust Fleet Insurers;

5.4. **Transport Manager**

The Transport Manager must fulfil the statutory requirements regarding their responsibility for the continuous and effective management of the transport operations, and ensure compliance with the Senior Traffic Commissioners' Statutory Documents. The Transport Manager and appropriate Transport Leads will provide the Deputy Foundation Secretary assurances on Fleet Management on a quarterly basis detailed in the Transport Manager's Guidance: FWT-SOP-002 to include but not limited to:

Vehicle Monitoring:

- 5.4.1. A filing system is required using Vehicle History Form FWT-Form-006 with a folder for each individual vehicle. The folder should contain all documents related to that vehicle, such as plating and test certificates, registration document, tachograph calibration/two-year inspection certificates, etc.
- 5.4.2. A set up for forward planning is required using a system (manual or electronic) to store bring-forward dates about tests, tachograph inspection, Vehicle Excise Duty (VED) renewal, vehicle servicing, etc.
- 5.4.3. Check that Operator's Licence discs on Lorries and passenger vehicles are being used correctly. Discs should always be displayed on the windscreen of goods and passenger vehicles whenever they are being used.

Driver Defect Reports

- 5.4.4. Ensure a robust system is in place to allow drivers to report immediately (both verbally and in writing, using “Vehicle Daily Checklist & Report” FWT-Form-007) any defects relating to the vehicle, including problems relating to the functioning of the tachograph or speed limiter.
- 5.4.5. A report must be written of the fault and of the correction made and keep this report with the other documents relating to that vehicle. These records must be kept for at least 15 months. Drivers, when they carry out their pre-driving checks, must complete and sign a “Vehicle Daily Checklist & Report” FWT-Form-007, or make out a nil report as appropriate.

Driver’s Code of Practice

- 5.4.6. The Transport Manager must implement, administer and monitor the Trust’s Drivers Code of Practice FWT-SOP-004 which is aimed at ensuring due care, common sense and sound judgement is exercised at all times, especially when driving a vehicle or operating any equipment to prevent injury to persons, or members of the public and damage to property, vehicles or equipment.
- 5.4.7. The Transport Manager, Managers or anyone else who issues an instruction to a Trust Driver, shall not cause or permit any driver to contravene the Code of Practice or to contravene any road traffic law relating to the safety and use of vehicles. Drivers, or anyone causing or permitting, who contravene the Code of Practice, or any road traffic law, may be subject to prosecution or internal disciplinary action

Carriage of Dangerous Goods

- 5.4.8. The Transport Manager will consult with an accredited Dangerous Goods Safety Advisor, and assist in the carrying out of audits to ensure all dangerous and hazardous goods are transported safely and securely.

5.5. Trust Vehicle Manager

The Trust Vehicle Manager will provide the Transport Manager assurances on the following:

- 5.5.1. Familiarise themselves with the Manager’s Advice and Guidance – Driving Licences and Grey Fleet FWT-SOP-003;
- 5.5.2. Issue drivers with the Trust’s Drivers Code of Practice FWT-SOP-004

5.5.3. Issue Trust Driver Permits to all authorised Trust Vehicle Drivers;

5.5.4. Arrange driver training as identified by the Trust Vehicle Managers and Transport Manager

5.6. **Corporate Affairs Officer**

The Corporate Affairs Officer is responsible for:

5.6.1. Assisting the Deputy Foundation Secretary to ensure that all Trust Vehicles' details (Trust Fleet) are correct and up to date; and

5.6.2. Maintaining the Trust Fleet Log Book.

5.7. **Trust Vehicle Drivers**

Trust Vehicle Drivers will:

5.7.1. Familiarise themselves with the Trust Driver's Code of Practice FWT-SOP-004 which is intended to help drivers understand their responsibilities. It is complementary to Trust Policies and the Highway Code.

5.8. **Private Vehicle Driver (Grey Fleet)**

Private Vehicle Drivers are responsible for:

5.8.1. Familiarising themselves with the Trust Driver's Code of Practice which is intended to help drivers understand their responsibilities. It is complementary to Trust Policies and the Highway Code.

6. **Implementation and Monitoring**

6.1. **Implementation**

6.1.1. The Deputy Foundation Secretary will provide advice and support about the implementation of this policy.

6.1.2. Line Managers must report to the Transport Manager any breaches of this policy.

6.1.3. The Transport Manager shall notify the Department of Transport of any serious breaches to this policy, such as infringements to road traffic legislation resulting in injury and/or potential claims against the Trust.

6.2. **Monitoring**

Appendix A provides full details on how the policy will be monitored by the Trust.

7. **References**

Agenda for Change Handbook

Carriage of Dangerous Goods Regulations 2009

Control of Substances Hazardous to Health Regulations 2002

Corporate Manslaughter and Corporate Homicide Act 2008

Environmental Protection Act 1992

European Working Time Directive

Health & Safety at Work Act 1974

Health and Safety (Offences) Act 2008

Highway Code

Management of Health & Safety Regulations 1992 (updated 1999)

Provision & Use of Work Equipment Regulations (PUWER) 1998

Road Safety Act 2006

Road Traffic Act 1988

Senior Traffic Commissioner's Statutory Documents

The Goods Vehicles (Licensing of Operators) Act 1995

The Public Passenger Vehicles Act 1981

The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

8. **Associated Policy and Procedural Documentation**

Drivers Manual

Licence Check Procedure

Records Management (Clinical and Corporate) Policy

Reporting and Management of Incidents including Serious Incidents Policy
and associated Procedure
Health and Safety Policy

COSHH Procedure

Waste Policy and associated procedures

Guidance for claiming travel expenses

QE:

[Claiming Car Travel Expenses.pdf](#)

[Claiming Expenses User Guide.pdf](#)

[Electronic Expenses Form.pdf](#)

HGS: submit expenses claims via the Employee Online System (EOL) in
Sharepoint

Appendix A

Monitoring Matrix

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
Details of serious breaches of this Policy	Transport Manager Deputy Foundation Secretary	Director of Corporate Affairs Governance Group	Exception report	Annually As and When required
Details of any insurance and litigation claims	Deputy Foundation Secretary	Director of Corporate Affairs	Audit Report	Annually
Spot checks to ensure the safety and cleanliness of Trust Vehicles	Facilities Manager	Deputy Foundation Secretary	Audit Report	As and when required
A review of transportable dangerous substances including the method of transport	Transport Manager	Vehicle Management Group	Audit Report	Bi-monthly