

## **Driving and Driving Licence Policy and Procedure**

### **1. Scope**

- 1.1 These arrangements apply to all employees engaged in work-related driving activities whilst in the course of their employment at Lancaster City Council, whether they are owner drivers or users of vehicles owned by the Council, leased or hired for use on Council business.
- 1.2 This document should be read in conjunction with the Driver's Handbook and the Car Usage Guidance, both of which are available on Elsie or via line managers, where staff do not have access to the intranet.
- 1.3 There are flow charts available on the HR intranet pages to visually demonstrate the LGV medical assessment process and the process for checking licences of successful job applicants and existing employees.

### **2. Driving at Lancaster City Council**

- 2.1 Driving at Lancaster City Council falls into one of two main categories;
  - Group A: employees whose job has a fundamental driving element, e.g., LGV drivers of refuse trucks, repairs and maintenance staff, pest control officers, dog wardens, etc.
  - Group B: all other employees who use either their own vehicle, a hire car or a pool car to attend meetings, site visits etc., both within or outside the district during the course of their work; excluding normal home-to-work journeys.

### **3. Responsibilities of Employees Engaged in Work-related Driving**

- 3.1 All employees who are engaged in work-related driving must:
  - be holders of a full current driving licence, valid in the UK, for the category of vehicle which they are driving (including automatic or manual);
  - notify their line manager immediately if their licence has expired, been suspended, revoked or cancelled, or has had any limitation placed upon it;
  - notify the DVLA immediately of any changes to their name or address;
  - allow their licence to be checked on a regular basis, as outlined below.
- 3.2 The above responsibilities rest solely with the employee. Whilst the Council will put reasonable checks in place, the Council does not accept responsibility where an employee has failed to disclose relevant and / or accurate information to management or the DVLA.
- 3.3 Photo-card licences are only valid for 10 years, employees should therefore ensure that they renew their licence in good time.

#### **4. Health and Medication**

4.1 Employees who are engaged in any work-related driving must notify the DVLA and management immediately if:

- they develop any notifiable\* medical condition or disability;
- a condition or disability has got worse since their licence was issued.

\*Notifiable conditions are anything that could affect an individual's ability to drive safely. They can include:

- epilepsy
- strokes
- other neurological and mental health conditions
- physical disabilities
- visual impairments

4.2 Further information on reporting medical conditions or disabilities to the DVLA is available at <https://www.gov.uk/driving-medical-conditions>.

4.3 The responsibility for informing the DVLA and management of any changes in medical conditions rests solely with the employee. Whilst the Council will put reasonable checks in place, the Council does not accept responsibility where an employee has failed to adhere to the above DVLA requirements on medical conditions.

4.4 Where an employee engaged in work-related driving is taking medication, they must always consult the instructions enclosed with the medication or seek medical advice to confirm whether consumption will affect their ability to drive. It is the employee's responsibility to comply with medication instructions or medical advice and to inform their manager if they have any concerns about driving whilst taking medication.

#### **5. Replacement of the Paper Counterpart**

5.1 On 8 June 2015 the paper counterpart to the photo-card driving licence ceased to be valid and paper counterparts are no longer issued by the DVLA. The paper counterpart contained information that could not be displayed on the photo-card, which included some vehicle categories that the holder was entitled to drive and any endorsements/penalty points.

5.2 Paper driving licences issued before the photo-card was introduced in 1998 remain valid.

5.3 The DVLA has introduced a new system for employees to share their driving licence information with their employers. In light of these changes the Council has adopted a revised approach to checking that all staff are eligible to drive, in addition to checking that all owner driver vehicles are properly insured and maintained.

#### **6. Checking Driving Licences – Pre-placement Process for Successful Job Applicants**

6.1 The Recruitment and Selection procedures require that, where an offer of employment is made to an applicant, it is conditional upon the successful completion of any pre-placement checks.

6.2 Driving licence checks will form part of the pre-placement process whenever the Person Specification includes driving as an essential or desirable criteria. Where there is no

requirement for driving as part of the duties of the post, the checking of a driving licence will not form part of the pre-placement process.

- 6.3 When a conditional offer of employment is made, the successful applicant will be asked to generate a 'check code' through the Share Driving Licence service via GOV.UK - <https://www.gov.uk/view-driving-licence>, which will allow information about their eligibility to drive to be shared with Lancaster City Council.
- 6.4 Interview candidates will be asked to bring the 'check code' with them to interview to demonstrate their eligibility to drive in the UK. Information about the successful applicant's ability to drive will subsequently be retained on their employee record.
- 6.5 As with all aspects of the pre-placement process, the successful applicant's status will remain "offered subject to successful completion of the pre-placement process" until full information has been obtained confirming that they are able to drive as part of their duties. Managers must not confirm an offer of employment to the successful applicant until they have been notified that all pre-placement checks have been duly completed.
- 6.6 If a successful applicant is unable to complete any element of the pre-placement process within a reasonable timescale, the offer of employment will be withdrawn.

## **7. Checking Driving Licences – Existing Employees**

- 7.1 The Council will, on an ongoing basis, check that staff remain eligible to drive. HR will maintain a central record of all staff who drive (both Group A and B) and will alert managers when a check is due. In order to comply with legislation it will be necessary for this information to be made available to the Council's designated 'Transport Manager' when requested by the Traffic Commissioner.
- 7.2 HR will issue notifications to staff and/or managers approximately one month before the check is due, dependent on whether the employee has an email account. This should allow adequate opportunity for the licence check to be carried out prior to or on the due date of the check. This is particularly important for staff in Group A, in order to comply with the requirements for maintaining the Council's Fleet Operators Licence.
- 7.3 Employees must, when asked, allow their line manager to check their driving licence via the Share Driving Licence service via GOV.UK.
- 7.4 Employees who drive LGVs and other vehicles on the Fleet Operator's Licence will have their licences checked by management on a 6 monthly basis. All other employees who drive as part of their job will normally have their licences checked on an annual basis. However a manager may ask an employee to undertake a licence check at any other time, if the manager considers that there is reasonable justification to do so.
- 7.5 Whilst the Council will put reasonable checks in place, it remains wholly the responsibility of the employee to notify their line manager immediately if their licence has expired, been suspended, revoked or cancelled, or has had any limitation put upon it. Where an employee fails to notify their line manager it may be necessary to consider action under the Council's Disciplinary Policy and Procedure.

## **8. Generating a 'Check Code'**

- 8.1 Employees can generate a 'check code' themselves online for free by accessing the Share Driving Licence service on GOV.UK - <https://www.gov.uk/view-driving-licence>, which can then be passed onto line managers who will conduct the check by accessing the Check Driving Licence facility on GOV.UK. Once generated, a 'check code' will remain valid for 21 days.
- 8.2 Any employees who are unable to access the online service can call 0300 083 0013 and the DVLA will provide them with a code to pass to their line manager. Alternatively employees can call the DVLA on 0300 790 6801 and leave permission for their driving record to be checked verbally by a nominated person or organisation.
- 8.3 By providing the line manager with a 'check code', the employee is authorising the line manager to access the Check Driving Licence facility on GOV.UK, to check the vehicle categories that the employee is authorised to drive and any endorsements or penalty points on their driving licence.
- 8.4 When the check has been successfully completed the line manager must inform HR by emailing [hradmin@lancaster.gov.uk](mailto:hradmin@lancaster.gov.uk) as soon as possible, so that the employee's record can be updated accordingly.

## **9. Action Following Completion of a Check**

- 9.1 If the check indicates that the licence is due to expire before the date of the next check, this information should be passed to HR, so that the next licence check can be amended to coincide with the date that the current licence expires. This is particularly important for drivers of vehicles in Group A.
- 9.2 If, on checking the licence, it appears that an employee has failed to notify their line manager of any endorsements or penalty points, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 9.3 Where the check indicates that an employee either in Group A or Group B is no longer eligible to drive (or not eligible to drive the category of vehicle for which they are employed), it will be necessary to immediately suspend the employee from driving duties and for consideration to be given to either the Council's Disciplinary Policy and Procedure.

## **10. Suspension from Driving**

- 10.1 If an employee in Group A is suspended from driving on medical grounds, this will be discussed with the employee. Where the employee is unable to attend work, the absence will be managed in line with the Council's Sickness Absence Management Policy and Procedure.
- 10.2 Subject to medical advice, it may be possible to temporarily redeploy the employee, if suitable and meaningful alternative duties can be found until the suspension is lifted. Where temporary duties are only available at a different grade, the employee will be paid at the mid-point of the applicable grade during the period that the temporary alternative duties are undertaken. Where the employee has been unable to return to their substantive post within a three month period following the suspension from driving, consideration will be given to the option for permanent redeployment, subject to vacancies available at the time. Where there are no suitable vacancies available, it may be necessary to consider termination of employment.

- 10.3 Where an employee in Group B is suspended from driving on medical grounds, it may be possible to temporarily amend their duties to remove the need for driving in the substantive post. Where this is not possible consideration will be given to the steps in 10.2 above.
- 10.4 If an employee is suspended from driving duties for non-medical reasons, where the loss of a licence has a significant impact upon their ability to perform their duties, consideration will be given to temporary redeployment as outlined above, whilst any necessary investigations take place. Managers may need to consider whether it is necessary for any action under the Council's Disciplinary Policy and Procedure. If there are no suitable alternative duties available, the employee may be temporarily suspended from work in line with the Council's Disciplinary Policy and Procedure.
- 10.5 If the employee subsequently demonstrates that they are able to undertake driving duties for the Council, they will not normally receive any back pay for the period when they were unable to undertake their substantive duties, unless it is demonstrated that the employee was not at fault.
- 10.6 If a line manager has concerns that an employee is unfit to drive it may be necessary to prevent the employee from undertaking their normal driving duties until there has been appropriate investigation or consideration of the concerns, in line with other relevant Council policies.

## **11. Compliance**

- 11.1 Employees are expected to fully comply with these arrangements and should be encouraged to do so by local management. If employees have any concerns or questions these should be directed to their line manager at an early point. If an employee fails to comply with any part of the Policy, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 11.2 It is expected that employees will provide the appropriate 'check code' or telephone authorisation to their line manager, within a reasonable timescale, i.e., no longer than 14 days from when the request was made (unless reasonably prevented from doing so by holidays or sickness).
- 11.3 Where an employee in Group A or Group B does not provide a 'check code' or telephone authorisation within 14 days, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 11.4 Outstanding mileage expenses claims should not be authorised until the employee has provided evidence of their ongoing eligibility to drive.
- 11.5 In compliance with DVLA requirements, HR will schedule 5 yearly medical assessments for LGV licence holders aged 45 and over, as part of the Council's Health Surveillance programme. It is imperative that employees attend these appointments to ensure their LGV licence can be renewed in time for the expiry date of their current licence. Failure to attend the medical assessment and thus delaying the renewal of the LGV licence could result in the employee being suspended from driving duties.

## **12. Endorsements / Penalty Points**

- 12.1 It is essential for the Council's retention of its Fleet Operators Licence that reasonable measures are in place to ensure employees retain a driving licence that is valid in the UK.

- 12.2 If an employee in Group A is issued with endorsements or penalty points, they should inform their line manager at the earliest opportunity. The line manager should ask the employee to provide a 'check code', so that the level of endorsement or penalty points can be verified.
- 12.3 Where an employee in Group A has acquired between 6-9 penalty points, the Council will require more frequent licence checks to be carried out for that employee; normally every three months.
- 12.4 If, on checking the licence, it appears that an employee has failed to notify their line manager of any endorsements or penalty points, consideration will be given to action in line with the Council's Disciplinary Policy and Procedure.
- 12.5 If an employee loses their licence, consideration may be given to action in line with the Council's Disciplinary Policy and Procedure or redeployment where suitable vacancies are available.

### **13. Changes in Circumstances**

- 13.1 Employees must advise their line manager immediately if they become ineligible to drive, whether this is due to driving offences or for medical reasons.
- 13.2 When this occurs advice should be sought from HR on the appropriate resolution, which will vary dependent upon the issue involved and the duties of the employee.
- 13.3 Where an employee fails to notify their line manager of a material change to their circumstances, which has a bearing on their eligibility to drive, action may be taken in line with the Council's Disciplinary Policy and Procedure.

### **14. Owner Drivers and Insurance**

- 14.1 Drivers who use their own vehicle for work-related driving must ensure that they have valid insurance for use on Council business. Drivers will require business cover if they drive to multiple sites or offices, as well as their usual place of work. This cover differs from a standard insurance policy, which only provides cover for social use and commuting.
- 14.2 Drivers must make their insurance certificate available for inspection by line managers, when required, which will normally be at no more than 12 monthly intervals. The Council will not accept liability for claims which are not covered by the driver's own insurance.
- 14.3 Drivers using their own vehicles for Council business must also ensure that the vehicle is in a roadworthy condition.
- 14.4 It is expected that employees will provide their insurance certificate to their line manager, within a reasonable timescale, i.e., no longer than 14 days from when the request was made (unless reasonably prevented from doing so by holidays or sickness).
- 14.5 Mileage expenses claims should not be authorised until the employee has produced their insurance documents.

### **15. Pool and Hire Cars**

- 15.1 For guidance on the requirements for driving pool or hire cars for Council business, please consult the Business Travel and Car Usage Guidelines on Elsie.

**Document Control:**

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1.0	21.06.2016	New policy to be approved by JCC & Personnel Committee	21.06.2018