

Appendix A.

Driving on behalf of Kent County Council (KCC) – a road safety perspective

Passenger Carrying Vehicles; with emphasis on minibuses

Preamble:

This position statement sets out the advice and good practice provided by Kent Highway Services' Road Safety team in relation to driving minibuses and other passenger carrying vehicles. This statement is meant to provide guidance in the following situations:

Anyone using a minibus, or passenger carrying vehicle:

- INSURED through Kent County Council
- PROVIDED by Kent County Council
- ON BEHALF of a Kent County Council establishment (including schools and social services centres)
- to TRANSPORT clients of Kent County Council (including children on a school activity, i.e. representing the school)
- that is EMPLOYED by Kent County Council and on KCC business

Although this guidance is provided for the purpose of supporting KCC colleagues, as it represents advice provided by road safety professionals it could also be considered as good practice for those external to KCC.

Two basic principles that should be adopted throughout are (1) that drivers and managers are 'a caring parent' in terms of their relationship with their clients and staff and (2) 'no purpose for a journey is ever more important than safely making the journey itself.'

The following is a list of the main issues that can affect the safety of any trip and primarily relates to the driver. In the eyes of the law the driver is the person responsible for the safety and roadworthiness of the vehicle being used and the safety of the passenger being transported. However, the driver's manager and organisation has a duty of care to the driver to ensure no policy conflicts with the individuals own responsibilities. In essence, the major issues that follow are aimed at the manager and organisation almost as much as they are aimed at the driver.

The way this document is presented is to identify a key issue, provide some basic developmental questions followed by a narrative. Each issue has an **ACTION** section that can be viewed as a consolidation of the key points.

This list is not exhaustive and appears in no particular order of importance. Guidance may be added on other major issues as they arise.

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Key Issues:

Manager's responsibilities

Can a manager affect the safety of one of their drivers, whilst they are driving? YES
Do managers and employers have a duty of care towards their staff? YES

Managers should ensure that drivers are fully equipped to carry out their duties safely and efficiently, both in terms of tangible resources (e.g. a suitable vehicle) and properly preparing their staff (e.g. driver training and development).

Managers should ensure policies do not place undue pressures on drivers, e.g. the speed at which they are expected to drive, workload scheduling, whether they have to be fully contactable during driving, the facility for suitable rest periods and vehicle maintenance regimes.

ACTION: Managers to review policies that affect drivers, to ensure there is no conflict with the driver's individual responsibilities under the Road Traffic Act.

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Driver training

Can a manager be better informed as to a driver's competence?	YES
Should a manager satisfy themselves of the abilities of drivers that work for them?	YES

In order for managers to be satisfied the drivers they use are occupationally competent, each driver must complete an appropriate driver training course. For managers to ensure drivers sustain their competence they should ensure all drivers are regularly re-assessed for their suitability to drive the specific vehicle.

Concerns for a driver's ability to drive safely must be rectified through a period of additional training to improve on areas of weakness, which is followed by a further re-assessment to check for resolution of the original concerns. Drivers identified in this process must not be allowed to drive minibuses, or passenger carrying vehicles, until satisfactory completion of the assessment process.

ACTION: All drivers must complete a driver training course, approved by KCC in line with the current KCC Minibus Code of Practice, followed up with a regular, satisfactory re-assessment at a maximum interval of every 3 years.

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Use of seat belts

Do seat belts save lives? YES
If seat belts are fitted, doesn't it make sense to use them? YES

In a crash at 30mph the body weight of each occupant is multiplied 25 times (making a 10 stone person the equivalent to a 250 stone object). Very little can stop this unrestrained weight from hitting other occupants or the window screen

Despite any legal position related to seat belt usage on large vehicles, there is no doubt that seat belts save lives – where belts are fitted, they must be worn. It is particularly important to consider the fitting of belts for children and small adults. A preparatory booster seat may be required to ensure the correct fitting for anyone under 135cm in height and under 12 years of age. The booster seat, if fitted correctly, ensures that the adult belt is positioned correctly – the lap part fits across the top of the thighs and the diagonal part comes across the collar bone. Indeed for young children it is important to use the correctly fitted, appropriate child restraint for their age and weight.

The law may currently exempt small buses, those over 2.5 tonnes unladen weight, from the requirement to use seat belts but in terms of Duty of Care a driver is expected to ensure all passengers under 14 years of age do wear the restraints available and that older passengers are encouraged to do so.

Vehicles under this weight are basically classified as 'cars' and the normal law regarding all occupants being restrained apply.

ACTION: All drivers must understand their legal obligation to wear seat belts and that they are used by children under 14, as well as their moral responsibility to ensure all occupants are wearing seat belts where fitted. Information on seat belt legislation is available from www.childcarseats.org.uk and www.thinkroadsafety.gov.uk/advice/childcarseats.htm

Managers and employers should consider providing training for drivers in the correct fitting of booster seats and child restraints, if they transport children. Drivers must satisfy themselves as to whether child restraints are required on any journey made.

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Use of mobile phones

Are mobile phones, and other communication devices, an unnecessary distraction to drivers? YES
When using dangerous machinery or attending an important meeting, would you expect the user to switch off their mobile phone? YES

Mobile phone use whilst driving causes an unnecessary distraction to the driver. The level of distraction caused, even by using a hands-free mobile phone, slows driver response times to an equivalent level experienced by a drink driver.

Using any form of mobile phone whilst driving makes the driver 4 times more likely to crash.

There is a clear law against the use of any hand-held mobile phone whilst in control of a motor vehicle (this includes a stationary vehicle with the engine running, except in exceptional circumstances as defined within the law).

If it becomes clear that a driver crashed whilst using a hands-free mobile phone, drivers can still be prosecuted for driving without due care and attention.

ACTION: All drivers must be aware of their legal obligation not to use a hand-held mobile phone whilst driving, including when stopped with the engine running. There is also a moral obligation to not use a hands-free mobile phone whilst driving. Using a hands-free mobile phone can contribute to 'driving without due care and attention'.

Drivers must not be expected by their employer to use any communication device whilst driving.

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Alcohol and drugs

Does alcohol impair a driver's ability to drive safely?	YES
Will small amounts of alcohol affect driving i.e. one drink?	YES
Can prescription or illegal drugs impair driving ability?	YES

Alcohol is a 'depressant' drug and therefore slows the speed at which the brain processes information. This leads to reduced reaction times and affects on judgement and perception. The affect on 'normal' judgement can also lead to a sense of greater security and enhanced belief in driving ability, which ultimately leads to greater risk taking.

Currently there is a legal maximum permitted level of alcohol that a driver may have in their system. Although the level is the same for everyone, it takes a different amount of alcohol for different people to reach that level – dependant factors include size, weight, sex and strength of drink. However, even small amounts of alcohol will affect driving ability and the only 'safe' limit is a zero limit.

It takes time for the body to process alcohol. It is highly likely that someone drinking moderate amounts of alcohol one evening could still have alcohol in their system the next morning. The more alcohol consumed, the longer alcohol will be in their body. Drivers should be discouraged from drinking any alcohol the night before morning driving. Some companies impose a 12 or 24 hour alcohol ban on drivers, meaning no alcohol can be consumed for 12 or 24 hours before driving.

Lunch-time drinking for drivers is perhaps a more obvious concern for managers and employers and drivers should be discouraged from consuming any alcohol during the working day.

The only way to 'sober up' is to wait for the alcohol to be processed by the body. Fresh air, cold showers, a night's sleep or black coffee will not work.

The Police will breathalyse all drivers involved in a crash that they attend, regardless of the time of day.

Alcohol is a drug and other drugs also present a risk to drivers' ability to drive safely. Illegal and prescription drugs are likely to have some impairment on driving ability.

Prescription drugs will carry a warning of the possible impairment, including drowsiness, and the prescribing Doctor should be specifically asked by the driver as to possible affects on driving. Illegal drugs carry no such warning and mean the driver is potentially unaware of the affects on driving. This coupled with the fact that many illegal drugs can remain in the system for many days, means impairment can go on for much longer than the driver may think.

Likely impairments from illegal drugs will include reduced reaction times, affects on judgement and perception, paranoia, distorted vision, frustration, aggression, apathy, misplaced sense of invulnerability.

ACTION: All drivers must not consume alcohol, even small amounts, prior to driving. Drivers must be made aware of the risks of consuming alcohol the evening before a morning drive. Managers should consider appropriate alcohol bans imposed on drivers.

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Drivers must be made aware of the risks of taking drugs, including medication, prior to driving and should inform their manager or employer of the need to take any prescribed drug. Drivers must consult their Doctor about possible affects of medication on driving.

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Driver's hours and fatigue

Should there be a limit on a driver's working day?	YES
Should driving be seen as time at work rather than 'down time'?	YES

Fatigue is a major cause of crashes on high speed roads (limits of 50mph and over). The likelihood of a driver suffering fatigue increases with the length of journey and the length of their working day. Fatigue is especially likely on long monotonous stretches of road, like motorways.

Our body clocks experience natural dips in alertness between 2pm and 4pm, and 2am and 6am.

Similarly to alcohol, fatigue impairs reaction times and judgement.

Drivers must be allowed to take sufficient rest breaks to allow them to maintain good levels of alertness. Car drivers are advised to build in breaks of at least 20 minutes, where they get out of the vehicle and move around every two hours of driving.

Winding down the window or turning up the radio will not cure fatigue, only rest will.

On longer journeys managers and employers must consider providing two drivers for the journey.

No one should be expected to work a full day and then drive long distances on business. Overnight stays should be built into journey planning.

ACTION: Managers and employers should not expect drivers to drive for prolonged periods without being allowed to rest. Drivers must not be expected to work a full day then drive long distances on business.

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Driver licensing categories

Should managers and employers satisfy themselves that drivers have the correct licence?

YES

Drivers have a responsibility to be correctly licensed for the vehicle they wish to drive. Managers and employers should satisfy themselves as to the correct licence categories required to drive their vehicles, and that their drivers have these.

Some licence categories are time bound and have to be renewed by the driver (e.g. PCV and some vocational).

Some categories can be revoked for medical reasons and managers and employers need a robust system to regularly check drivers' licences for their current status (ideally every six months).

ACTION: Managers and employers should check all drivers' licences regularly to satisfy themselves as to their current status. Drivers should be expected to notify their manager or employer of endorsements (including for speeding) as they occur and employers may choose to set a level for endorsements, above which drivers will have their role reduced or removed.

More information on driving licences can be found at www.dvla.gov.uk and specifically in the DVLA information note INF 68.

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Driving speeds

The bigger a vehicle is and the faster it is moving, the greater the damage it will cause and the more severe any resultant injuries will be.

If you crash it's because you couldn't stop in time. If you cannot stop in time, you were going too fast for the conditions – this can apply when driving below the speed limit!

Due to the rise in vehicular traffic, congestion is a common occurrence on the roads. Consequently journey times and job scheduling can be difficult to manage. No driver should be placed under pressure to break any traffic law, including speeding.

The driver is the person liable for prosecution should any traffic law be broken and must be allowed to make their own judgement of the appropriate way of driving in any situation. In the case of a fatal crash the manager and employer can also be prosecuted if it is clear that employer's policies and/or working practices contributed to the driver's behaviour. Prosecution under Corporate Manslaughter legislation is a distinct possibility in such situations.

ACTION: Drivers must be reminded of the need to drive within the traffic laws, including driving within speed limits. Speed limits for large vehicles can be different from those imposed on cars and drivers must be aware of such differences.

Other issues that managers and organisations must be aware of, but not dealt with here as primarily they are not 'road safety' based:

- Bus permits
- Driving abroad
- Escorts for journeys
- Equipment on a minibus
- Insurance cover