

Contents:

	<u>Page No.</u>
1. Introduction	3
2. Purpose	3
3. Scope	3
4. Law	3
5. Policy	4
6. Procedure	5
7. Information and Instruction	6
8. Training	7
9. Discipline	7
10. Monitoring	7
11. Review	7

1. **INTRODUCTION**

Over recent times the Government has announced new initiatives to reduce the number of accidents on the road that result in either serious or fatal injuries. These range from the introduction of restricted speed limits in built up areas to speed cameras on fast stretches of road. These approaches have the approval and support of the police, motoring organisations and the public at large and have achieved measured success.

It is recognised that not all the driving carried out in the UK is done for social, domestic and pleasure activities but also as part of people's everyday working lives. In recognition of this fact there is a need for employers who, as part of their business or the services they deliver, have employees driving fleet vehicles or their own vehicles to have in place arrangements to manage occupational road risk.

The Health and Safety at Work Act places a responsibility on employers to develop systems of work to ensure, so far as is reasonably practicable, that employees are safe and without risk to their health, safety and welfare. The Management of Health and Safety at Work Regulations 1999 places a responsibility on employers to conduct risk assessments in order to identify the risks inherent in their undertaking and to develop risk control measures to control those risks to what can be termed a tolerable level.

East Dunbartonshire Council have developed this policy and its associated procedures to control the risk(s) associated with the use of mobile phones whilst driving.

2. **PURPOSE**

The purpose of this Health, Safety and Welfare Standard is to ensure, so far as is reasonably practicable, that all East Dunbartonshire Council employees are aware of the Council policy and procedures in place to deal with the use of mobile phones whilst driving.

3. **SCOPE**

The scope of this Health and Safety Standard is to cover **all** employees of East Dunbartonshire Council who have been issued with mobile phones for use during contractual working hours

4.0 **LAW**

As of 1 December 2003, it is an offence under The Road Vehicles (Construction and Use) (Amendment) (No 4) Regulations 2003, to use a hand held mobile phone to conduct the following:

- 4.1 Send or receive an oral or written message.

This means using a mobile phone to carry out a conversation or to carry out text messaging.

- 4.2 Send or receive fax messages; or

4.3 Send or receive still or moving images;

This includes **new** mobile phone technology whereby picture messages can be sent and received.

4.4 Provide Access to the Internet

It should be noted that it is also an offence to

4.5 “Permit or cause someone else to use hand held mobile phones when driving or supervise the holder of a provisional licence if the supervisor is using the hand held mobile phone whilst the provisional licence holder is driving the vehicle”.

It should be noted that the **exception** to these general rules is in the following circumstances;

- 1 Calling the emergency services; or
- 2 Acting in response to a genuine emergency where it would be unsafe or impractical to stop driving to make the call.

The penalty for breaching these regulations if observed using a mobile phone is a fine of £30.00; if the case goes to court the fine can be £2000 plus 3 penalty points onto the culprits licence.

NB The initial fine is set to increase to £60.00 in the future.

Employers may be open to prosecution if they are deemed to have **caused** or **permitted** the employee to use a hand held mobile phone or similar device whilst driving.

In addition to the road traffic legislation, health and safety legislation places requirements on employers to undertake risk assessments in line with the Management of Health and Safety at Work Regulations 1999 and create systems of work under the Health and Safety at Work etc Act 1974. Included is a requirement to provide information, instruction, training and supervision under both pieces of Health and Safety legislation to ensure employees are informed and instructed on Council policy.

5. **POLICY**

5.1. It is the policy of East Dunbartonshire Council to remove, so far as is reasonably practicable, the risk(s) associated with the holding and operating of mobile phones whilst driving that may reduce concentration and ultimately control of the vehicle. Conducting conversations using hand free equipment is also likely to distract attention from the road and, may contribute to the likelihood of an accident.

5.2. The responsibility for safe control of a vehicle rests with the driver. In order to comply with Road Traffic Law, Health and Safety Legislation, Policy and content of this Health, Safety and Welfare Standard East Dunbartonshire Council **instructs** all drivers never to use a mobile phone whilst driving (except where 5.3. below applies).

- 5.3. The exception to this policy will be those employees whose vehicles that have an approved hands free kit supplied and fitted on behalf of East Dunbartonshire Council. In these circumstances, a mobile phone should only be used when it is absolutely essential.
- 5.4. The need for employees to be provided with approved “hands free” kits will be determined by Senior Directorate / Departmental Management, however until this has been assessed non approved “hands free” kits **should not** be used and East Dunbartonshire Council **will not** pay the fines for those employees being prosecuted for breaching the law.

In order to ensure, so far as is reasonably practicable, compliance with the above East Dunbartonshire Council will undertake the following:

- 5.5. Undertake risk assessments to identify the risk(s) associated with the use of mobile phones whilst driving
- 5.6. Identify risk control measures to reduce, or where possible, remove the risk(s) associated with the use of mobile phones whilst driving.
- 5.7. Inform all employees on East Dunbartonshire Council’s policy regarding the use of mobile phones whilst undertaking driving activities.
- 5.8. Instruct all employees not to use mobile phones whilst involved in driving activities (except where 5.3. above applies).
- 5.9. Ensure that the policy on mobile phone use and driving is included in driver assessments.
- 5.10. Monitor that the content of the policy and risk control measures are being used.
- 5.11. Ensure that all East Dunbartonshire Council employees are briefed and receive refresher briefing on the policy and risk control measures contained in risk assessment.
- 5.12. Ensure that “Safety Bulletins” reinforcing East Dunbartonshire Council’s policy and content of Health Safety and Welfare Standard are reinforced to all employees to ensure their continued knowledge on the use of mobile phones.

6. PROCEDURE

To ensure that East Dunbartonshire Council complies with both Road Traffic law and health and safety legislation the following must be passed to all employees by way of information and instruction on the following measures to be undertaken vis,

6.1 Employee’s Actions

- 6.1.1 Where possible inform a colleague or manager where you are going and that your phone will be on divert facility.
- 6.1.2 Prior to starting the vehicle engine mobile phones are to be switched off or onto divert or voicemail facility.

- 6.1.3 Only when the journey has been completed and the engine switched off that messages can be accessed.
- 6.1.4 Only use a mobile phone whilst driving to contact the emergency services or to act in response to a genuine emergency where it would be unsafe or impractical to stop driving.

NB It would be highly unlikely that 6.1.4 above would occur in working conditions.

6.2 **Do Not**

- 6.2.1 Do not use a mobile phone whilst driving (except where 5.3 above applies).
- 6.2.2 Do not cradle a mobile phone between shoulder and ear whilst driving.
- 6.2.3 Do not attempt to text using a mobile phone whilst driving.
- 6.2.4 Do not use hand free kits of the ear piece variety or cradle variety unless it is the type which is approved, supplied and fitted for East Dunbartonshire Council to those employees deemed to require same.
- 6.2.5 Do not use a mobile phone whilst sitting in a traffic jam or at traffic lights as it is deemed to be whilst driving (except where 5.3 above applies).

6.3 **Supervisor/Line Manager Actions**

Supervisors/line managers shall monitor the use of risk control measures to ensure, so far as is reasonably practicable, the content of this Policy and Health Safety and Welfare Standard is complied with.

It should be noted that the above relates directly to mobile phones issued by East Dunbartonshire Council to employees determined to be in need of this type of device. Many employees are in possession of personal mobile phones and as a result are not operating on behalf of East Dunbartonshire Council if observed or caught using a mobile phone even if driving on East Dunbartonshire Council vehicle.

7 **INFORMATION AND INSTRUCTION**

All employees of East Dunbartonshire Council will be provided with information on policies or procedures through the following:

- 7.1 “Safety Bulletins” issued on a regular basis;
- 7.2 Briefings in the form of “toolbox” talks confirming employees knowledge and understanding of East Dunbartonshire Council’s policy on use of mobile phones whilst driving;
- 7.3 The policy on mobile phone use whilst driving during to be included in driver assessments.

7.4 All East Dunbartonshire Council employees who are issued with mobile phones and whose duties include driving will be required to sign a “declaration” that they have been:

- * Informed of the policy;
- * Briefed on the content of the policy;
- * Understand the information and instructions contained in the policy
- * Confirm their knowledge of the policy on mobile phone use whilst driving.

8.0 TRAINING

During training and subsequent assessment of driving duties on behalf of East Dunbartonshire Council all drivers or prospective drivers will be informed and instructed on the policy on the use of mobile phones whilst driving.

9.0 DISCIPLINE

Where employees are reported/have been reported by the Police for using a mobile phone or witnessed by an officer of the Council using a mobile phone whilst driving the disciplinary procedure will be invoked. It should be noted that East Dunbartonshire Council **will not** pay the fines of those employees prosecuted for this offence.

10.0 MONITORING

This policy, health safety and welfare standard and associated procedures shall be monitored regularly by supervisors and managers to ensure its effectiveness and validity.

11.0 REVIEW

This policy, health safety and welfare standard and associated procedures shall be reviewed on an annual basis or where a change in law occurs to ensure its validity.