



The Cam Academy Trust DRIVING POLICY	
To be read in conjunction with the school's Health and Safety Policy, Risk Assessments, Expense claims, Minibus Operations Guideline	
Approved in consultation with the Trust Audit & Risk Committee on behalf of the Trust Board:	21.02.21/ March 2023
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Responsible Officer:	Director of Finance and Operations
Category – 1	Version – 2

This policy applies to all employees of Schools within The Cam Academy Trust.

Introduction

The Trustees of The Cam Academy Trust and the Local Governing Bodies (LGBs) of its schools are aware of the obligations to provide a safe working environment for all employees, including travel arrangements when part of the working day. This policy outlines the arrangements and requirements for safe travel when either on business on behalf of a school of The Cam Academy Trust, or when staff are transporting students in their private cars and as such must be complied with.

The Trustees and Governors are aware of their obligations under 'The Corporate Manslaughter & Corporate Homicide Act 2007.', which came into force in April 2008 and recognise that an organisation will be guilty of a serious offence if the way in which its activities are **managed or organised** causes a death and amounts to a **gross breach** of a **duty of care** to the deceased. Accordingly, this policy in respect of driving on behalf of The Cam Academy Trust must be adhered to. Failure to comply with its content could lead to disciplinary action.

Policy Statement

The purpose of the policy is to ensure that the trustees of Trust and LGBs of its schools, meet their obligations under its duty of care for employees who drive on its behalf. The policy is written to meet the requirements of the Health and Safety at Work Act 1974 and to ensure compliance with the guidance issued by organisations such as RoSPA, the Department of Transport, the Health and Safety Executive and the DfE.

The policy applies to all persons who drive on behalf of Trust in vehicles owned, leased or hired by the organisation. It also applies to those who drive their own vehicles on behalf of The Cam Academy Trust. Employees are required to undertake proper risk assessments of all activities including those of a voluntary nature; this policy is designed to minimise the risk to employees and students and to protect the interests of The Cam Academy Trust.

Driving on behalf of Trust is defined as:

- a) staff who drive regularly as a major part of their job or
- b) those who drive occasionally or for short distances

Reasons for driving on behalf of Trust may be:

- travelling to and from meetings,
- multi-site journeys (driving to and from different schools within the Trust on a regular basis),
- site visits (visiting another school within the Trust), and
- travelling to and from home to a non-permanent place of work, including visits to other establishments and training courses, seminars, conferences etc.



Such a definition does not relate directly to the payment of expenses or inclusion in job descriptions, but purely to the 'activity' of driving on behalf of the Trust, with or without payment.

Travel to and from home to your usual place of work is defined as "commuting" and is exempt from this policy.

License and Insurance - Fleet Vehicles

Each school within Trust records details on both the driver and the vehicle(s) used on behalf of the organisation (for example a minibus). In these circumstances an up-to-date copy of the relevant employees' driving licences / Midas training will be held on file.

For vehicles owned, leased or hired, each school will keep the following documentation usually found within the Finance Office or Site Team Office at each school:

- Insurance certificate
- Ownership details
- MOT certificate (if applicable)
- Tax
- Service record
- Other vehicle documentation
- Midas certificates and register

Privately owned vehicles

For employees using privately owned vehicles it is their responsibility to ensure that they are licensed to drive, and that the vehicle is correctly insured and roadworthy.

Anyone driving on behalf of the School or Trust is required to sign a proforma (*Appendix 1*) indicating that:

- They hold a valid driving licence.
- The vehicle is correctly insured for the use.
- The vehicle is fit for purpose - roadworthy

The School / Trust reserves the right to request evidence to support any declaration given.

For privately owned vehicles, the insurance certificate must state for 'business use' or 'for purposes in connection with the business/occupation or the trade or profession of the policyholder', or a similar phrase.

It is the responsibility of each employee to inform the school of any change(s) to the documents held on file, including the pro-forma.

Employees who regularly travel on the business of the school (i.e. 3 or more days per week when journeys are made) will need to provide copies of their Driving Licence and valid Insurance Certificate to the HR/Finance Office along with a signed proforma (*Appendix 1*) to ensure that mileage claims are processed correctly.

All members of staff travelling on the business of the school need to organise Class One business cover on their own personal insurance.



The definitions of cover are as follows:

General Car Insurance-Commuting

Provides cover for social, domestic and pleasure, and cover to drive back and forth to a permanent place of work. Travelling to a railway station on route, where the car is parked, is classed as commuting. If the vehicle is being used in connection with work beyond simply commuting, then the insured will require a level of business cover:

Business use: Class 1

This will cover the vehicle in connection with your job, such as driving to different sites away from your place of work. It will exclude commercial use (such as delivery of light goods) and selling (such as door-to-door).

Occasional Business Use

The Occasional Business Use extension will operate where a staff member is required to use their own vehicle on rare occasions when their insurance does not extend to cover business use. OBU should therefore only cover journeys which are unexpected or required to be made at short notice. Examples where this could arise include taking an unwell pupil home or to hospital, or infrequent journeys to off-site locations, for example an annual teacher training workshop. Schools should ensure that staff members who use their own vehicles on a regular basis have suitable insurance by making annual checks of insurance documentation.

Travel Expenses

The 45p a mile figure includes: wear and tear, plus a contribution to the cost of Business use Class 1 insurance and the cost of fuel.

Claims for Business Mileage for electric private cars

The full AMAP (Approved Mileage Allowance Payments) of 45p can be claimed for the first 10,000 miles and 25p thereafter. This is because AMAP is not fuel dependent and covers the cost of owning and running a vehicle including road tax, MOTs and repairs. If cars are charged on-site the appropriate rate to be paid to the school will be set by the Trusts Resources Committee.

Tax- What to report, what to pay

If the MAPs (Mileage Allowance Payments) you pay to an employee exceed the approved amount for the tax year, then:

for company directors or employees earning at a rate of £8,500 or more per year, report the excess amount on form P11D

for employees earning less than that, you have no reporting requirements, regardless of the employee's earnings, you have no tax to pay to HMRC.

Transporting Students

An employee who transports a student or students in a private car should be aware of the [Guidance for Safer Working Practice for Adults working with Children and Young People DCSF2009](#). The following principles must be observed:

Should an employee need to transport a student in their private car, all the above conditions relating to driving the vehicle should be observed. Employees must be aware of any potential risk of allegation against them and make their actions as transparent as possible. It is always preferable to avoid a situation where an adult is alone



with a student in a car and where possible, another adult should be present as an escort. When students are transported in a private car, they should wear seatbelts and where possible, should avoid sitting in the front seat.

For a planned journey, written consent for the student to be transported in the employee's private car should be obtained. For an unplanned journey; e.g. if a lift must be given because a student is not collected from the school after an out-of-hours school visit etc., efforts must be made to get the necessary consent (verbal or via text) from a parent or carer. The employee should also advise a colleague that the journey is taking place. There may be occasions where a student requires transport in an unusual or emergency situation or where not to give a lift may place a student at risk. In this situation a senior manager should be consulted beforehand where possible or the incident reported to him/her as soon as possible afterwards. Such circumstances must always be recorded. Employees should avoid giving lifts to students outside of the circumstances above and in situations not related to their legitimate professional duties.

Fit to Drive

Each time an employee drives a vehicle on behalf of Trust the following applies:

- That it is the individual's responsibility to ensure that they are fit to drive when they take a vehicle onto the public highway.
- That any person who is required to drive as part of their employment, or as part of an approved activity, must declare to their employer any medical condition which adversely affects their ability to drive safely (all information provided will be treated as confidential). In these circumstances the school will endeavour to make reasonable adjustments, in consultation with the individual employee and Occupational Health, and other support agencies as appropriate.
- Where a school has a concern about a potential alcohol or drug abuse issue then the employee should not drive on the school's business until and unless the concerns prove to be unfounded.

Disqualification from Driving

Employees who drive vehicles on behalf of Trust are duty bound to inform the school immediately of disqualification from driving on the public highway. Where that person drives as a requirement of their job, they will be relieved of all driving duties with immediate effect; following consultation with the individual employee, the school will determine the most appropriate course of action. Each case will be dealt with confidentially and on its own merits.

Road Safety

When driving a vehicle owned, leased or hired by Trust, each driver is responsible for making sure that the vehicle is roadworthy before embarking on a journey; it is recommended that appropriate driver checks are undertaken before taking the vehicle on the road. The following checks are recommended before each journey:

- Tyre tread
- Foot and hand brake operation
- Lights, indicators and hazard warning lights operate
- Horn operates
- Screen wash and wipers operate
- Seat belts fitted and functioning
- Mirrors adjusted/adjustable



These are tasks which do not require any technical expertise and are the basic checks included in the current UK driving standards examination.

Additional checks for long journeys might usefully include:

- Fluid levels (oil, coolant and screen wash)
- Tyre pressures
- Locks and security functional
- Fuel level

It is not intended that checklists are provided or that records of pre-use checks are kept, as it remains the responsibility of any driver to ensure that a vehicle is roadworthy.

For employees who use their own vehicles during their employment with Trust individuals are responsible for ensuring that regular checks are undertaken as detailed above to ensure that their vehicle remains in a roadworthy condition.

Route Planning and Scheduling

It is expected that where an employee must drive to undertake work-related activity, an assessment of the schedule of driving and work activity is made to ensure that it is reasonable, allows for rest breaks at least every 2 hours, when it is recommended that they should leave the vehicle. It is also important to ensure that the necessary driving will not result in excessive working hours or working at unsociable hours. Employees should apply common sense and not drive when tired or at unsociable hours. Details of routes and mileage amounts to be claimed when travelling between schools within the Trust can be obtained from the school's Finance Office.

Accidents

In the event of an accident occurring whilst driving a vehicle owned, leased or hired by the school the driver should follow the directions shown below for reporting and recording the accident. Where the employee is driving their own vehicle on school business, they should follow the directions of their insurance policy for reporting and recording the accident.

ACTION TO TAKE IN THE EVENT OF AN INCIDENT

(A copy of these instructions must be displayed in each school vehicle)

At the scene of the incident:

- Stop in a safe place where no further damage is likely to be caused to the vehicle or passengers.
- The driver and/or the escort must make the accident scene as safe as possible.
- Use hazard warning lights and any other devices supplied.
- Where the vehicle cannot be moved to a place of safety, evacuate the passengers to safety. Do not move injured passengers unless they are in immediate danger of further injury, or from fire or explosion.
- Ensure, where possible, one person (driver or escort) remains with the passengers.
- Call the emergency services immediately, if necessary. The driver must stay at the scene until the emergency services (and anyone else with reasonable cause) have taken all the details.
- If involved with a third-party vehicle exchange Drivers' and Vehicle Owners' names and addresses, vehicle and insurance details.
- If involved with a third party get an independent witness name, address and telephone number.
- In the event of injury, the Police *must* be notified as soon as possible but within 24 hours.



After the incident:

- As soon as possible, but within 3 days, report the incident to the Administrator.
- As soon as possible write down the events as you remember them, including any diagrams that may be helpful and complete an insurance accident report form. Give this report to the Administrator.

These procedures are in addition to the Highway Code requirements to report an accident.

Mobile Phones

Hand-held Phones

It is illegal to use a hand-held mobile phone while driving. It is also an offence to “cause or permit” a driver to use a hand-held mobile phone while driving. Therefore, employers can be held liable as well as the individual driver if they require employees to use a hand-held phone while driving.

Hands-free Phones

It can be illegal to use a hands-free phone while driving. Depending upon the individual circumstances, drivers could be charged with ‘failing to have proper control of their vehicle’. In more serious cases, the use of any type of mobile phone could result in prosecution for careless or dangerous driving. The Police may check phone records when investigating fatal and serious crashes to determine if use of the phone contributed to the crash.

Drivers who use a mobile phone, whether hand-held or hands-free:

- are much less aware of what’s happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to ‘tailgate’ the vehicle in front
- react more slowly and take longer to brake
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated

Research indicates that they are also four times more likely to crash, injuring or killing themselves and/or other people. Using a hands-free phone while driving does not significantly reduce the risks; problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving.

Employees who are driving whilst at work are required to comply fully with the law, which prohibits the use of hand-held mobile phones whilst driving. It is also an offence to ‘cause or incite’ persons who are driving to be in breach of the law. Employees should avoid making contact via mobile phone with other employees when they are known to be driving. Employees are encouraged to make use of the voicemail facility on their mobile phone and make return calls when it is safe to do so.

Smoke Free Vehicles

From 1st July 2007 it has been against the law to smoke, or permit others to smoke, in virtually all enclosed public places and workplaces in England.



The law extends to vehicles (such as a minibus); and requires vehicles to be smoke free at all times if they are used:

- To transport members of the public
- In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

Vehicles must display a no smoking sign in each compartment in which people can be carried.

It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking.



APPENDIX 1 – The Cam Academy Trust Driving Policy

For employees driving vehicles owned, leased or hired by a School or Trust:

- I confirm that I hold a valid Driving Licence, a copy of which is attached to this form

I understand that it is my responsibility to inform the School / Trust of any change(s) to the documents held on file. Failure to provide details could result in disciplinary action being taken.

Signed:

Date:

Print Name:

For employees driving on behalf of a school of Trust:

- I confirm that I hold a valid Driving Licence
- The vehicle(s) I am using for business purposes whilst driving on behalf of Trust is insured correctly*
- The vehicle is fit for purpose and is roadworthy

I understand that the School / Trust reserves the right to request evidence to support any declaration given.

I also understand that it is my responsibility to inform the school of any change(s) to the documents held on file, (including this pro-forma). Failure to provide details of the change could result in disciplinary action being taken.

Signed:.....

Date:.....

Print Name:.....

*For privately owned vehicles, the insurance certificate must state for 'business use' or 'for purposes in connection with the business/occupation or the trade or profession of the policyholder', or a similar phrase.

Additional information for employees who drive regularly on the business of Trust:

In addition to the declaration above I have provided copies of the following documents:

- Valid Driving Licence
- Valid / current certificate of motor insurance

Signed:.....

Date:.....

Print name.....