

Winchelsea



All Individuals Matter

WINCHELSEA PRIMARY SCHOOL
RUSKINGTON

USE OF PRIVATE VEHICLES AT WORK
PROCEDURES

Part 1: Introduction

The use by staff of their own vehicles for business purposes and their need for proper insurance is an important issue.

It is tempting always to seek to reduce premiums as much as possible. The inclusion of business use, however, is an important issue for staff who may face, at any time, reasons to use their vehicles.

The Health and Safety Executive has estimated that up to a third of all road traffic accidents involve somebody who is at work at the time.

Part 2: Distinction between driving while at work and commuting

It is important to distinguish between driving while at work and the regular journey to and from the usual place of work. This policy is aimed at staff who fall into the first category as this is the area where employers have some measure of responsibility for ensuring staff members' health, safety and welfare. Staff who drive while at work, or whose use of their vehicles may be defined as business use, must be particularly careful when arranging insurance for their vehicles.

Part 3: Insurance and other documentation

Every vehicle driven on the road must have a valid:

- MOT certificate (if the vehicle is at least 3 years old);
- Road fund licence (tax disc); and
- Insurance certificate.

The School Business Manager will make yearly checks of this documentation and record it on the school's database/spreadsheet. This is because some police forces expect employers to make these checks. If an employee is involved in an accident involving his or her vehicle while driving to and from work, or while at work, the employer may be contacted by the police as part of the accident investigation.

Staff who make journeys in connection with their work, as opposed to their regular commutes, need to be aware that this is classified as "business use". This is regardless of whether or not mileage allowances are claimed. Staff who fall into this category need to insure their vehicles for business use. Failure to do so will result in insurance cover being invalidated.

Unless staff are absolutely certain that they will never use their vehicle for any of the activities described below, they are strongly advised to take out business cover. Where there is any doubt, the insurance company should be contacted. The majority of teachers use their vehicles, at least to some extent, for business use. It is important to be properly insured even if business use occurs only on an occasional basis.

It is the case that staff without business cover have, because of pressing circumstances, used their car for purposes that fall into the business category. Such use is then uninsured. Staff should, therefore, consider carefully their decisions regarding motor insurance and the inclusion of business use.

Examples of Business Use

Some examples of business use are set out below.

- Driving to the venue of an INSET day;
- Driving to a work-related meeting at another school;
- Driving to a conference;
- Transporting pupils – note that each child must be restrained by a seat or lap belt and no child should be transported in the front passenger seat, with the exception of the driver's own child at their discretion. Parents must supply booster seats for their child if they weigh more than 22kg. If they are taller than 125cm a backless booster seat can be used and if the child is 12 years old or taller than 135cm no extra seat is required. Permission from the parent is required to allow them to travel in a staff/other parents' car for a school organised event. It is the driver's responsibility to see the seat is used if required. No adult should be 1:1 with a child unless it is their own.

Staff who claim mileage for any of the above must ensure that their insurance policy includes business use. If it doesn't then a mileage claim will be refused.

It is important to note that even with adequate insurance, staff cannot be directed to transport pupils in their own vehicle.

Part 4: School car park

Staff do not have an automatic right to park on school premises. Staff should not assume that if their vehicles are damaged in school car parks they will receive compensation from their employers. It is unlikely that any compensation would be paid. Parking is at the staff member's own risk.

Part 5: Use of mobile phones/sat nav or other device whilst driving

It is illegal to hold and use a phone, sat nav, tablet, or any device that can send or receive data, whilst driving. This means you must not use a device in your hand for any reason, whether online or offline, for example, you must not text, make calls, take photos or videos, or browse the web.

The law still applies to you if you are: -

- Stopped at traffic lights;
- Queuing in traffic;
- Driving a car that turns off the engine when you stop moving;
- Holding and using a device that is offline or in flight mode.

Exceptions

You can use a device held in your hand if:-

- You need to call 999 in an emergency and it is unsafe or impractical to stop;
- You are safely parked;
- You are making a contactless payment in a vehicle that is not moving;
- You are using the device to park your vehicle remotely.

Using devices hands-free

You can use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free means using, for example:-

- A Bluetooth headset;
- Voice command;
- A dashboard holder or mat;
- A windscreen mount;
- A built-in sat nav.

The device must not block your view of the road and traffic ahead.

You must stay in full control of your vehicle at all times. The police can stop you if they think you are not in control because you are distracted and you can be prosecuted.

Penalties

It is illegal to use a mobile phone while driving, even while delayed in traffic. You can get 6 penalty points and a £200 fine if you hold and use a phone, sat nav, table, or any device that can send and receive data whilst driving. You will also lose your licence if you passed your driving test in the last 2 years.

You can get 3 penalty points if you do not have a full view of the road and traffic ahead or proper control of the vehicle.

You can also be taken to court where you can:-

- Be banned from driving;
- Get a maximum fine of £1,000.

Part 6: Vehicle roadworthiness

Staff should be aware that they are legally responsible for the roadworthiness of any vehicles they drive. It makes no difference if, for example, the car is brand new; has recently been serviced; or belongs to another person. If there are faults and staff are stopped by the police, as drivers they are responsible.

Part 7: Incident reporting

If accidents occur, however minor, while driving “at work”, it is important that the incidents are reported in writing to the appropriate line managers. If staff are injured in any way, however minor, the details must be recorded in the school’s accident book – if possible within 24 hours of an incident occurring. Following any incident(s), the school will conduct a risk assessment and, where possible, examine measures to be taken to avoid such incidents recurring.

Signed: _____
Chair of Governors

Dated: _____