

## Driving for work: **Own Vehicles**



# Introduction

**Driving is the most dangerous work activity that most people do. Research indicates that over 100 people are killed and seriously injured every week in crashes involving someone who was driving, riding or otherwise using the road for work.**

**HSE Guidelines, 'Driving at Work', state that "health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system".**

**Employers owe the same duty of care under health and safety law to staff who drive their own vehicles for work (often called 'grey fleet') as they do to employees who drive company owned, leased or hired vehicles.**

It is also an offence under road traffic law to 'cause or permit' a person to drive a vehicle that is in a dangerous condition or without a valid licence or at least third party insurance.

Therefore, employers need to have procedures in place to ensure that all vehicles (irrespective of who owns them) that are used for work conform to road traffic law, are safe and properly maintained, and are fit for purpose.

This is relatively simple for company owned or leased vehicles, but can be more complicated when staff use their own vehicles for work.

Organisations that operate a 'cash for cars', salary sacrifice or similar scheme that provides financial assistance for staff to purchase their own vehicle, should be sure that the advantages of the company not owning or leasing cars outweigh the greater difficulty of managing staff's own vehicles.

Remember that adopting such a scheme does not absolve employers from their health and safety obligations when these vehicles are used for work.

## Expect Safe Driving

Ensure all staff, including directors, senior managers and line managers, understand that the organisation expects everyone who drives for work to ensure that their vehicle is legal, safe and fit for purpose.

All managers should lead by personal example and follow the organisation's policy concerning the use and maintenance of their own vehicles.

## Consult Staff

Ensure that staff are fully consulted about the organisation's policy on safe driving, including conditions for own vehicle use, and that this is reviewed periodically in joint health and safety committee meetings.

Discuss at-work driving, including vehicle suitability and conditions, with drivers during periodic staff appraisals and team meetings.

## Monitor Occasional Own Car Use

If a maximum distance (e.g., return trip of 50 or 100 miles) is set for staff who only occasionally use their own car for work, beyond which a company or hire vehicle must be used, it should be monitored to ensure that the limits are not being exceeded.

This guide gives simple advice on how employers and line managers can develop and implement policies governing if, when and how staff may use their own vehicle for work.

It can be used to inform the organisation's MORR risk assessment and ensure that suitable equipment is used.

A sample 'Policy' is included, which can be adopted as written or adapted to suit your organisation's needs. It can be used as a stand-alone policy or incorporated into a wider 'Safer Driving for Work' policy.

# Minimum Vehicle Standards

Company vehicles and grey fleet vehicles of staff who receive financial assistance through a 'cash for cars', salary sacrifice or similar scheme, should meet equivalent safety standards.

However, it is not feasible to expect staff who do not receive such financial assistance, especially those on lower salaries, to be able to afford a car that meets the same standards as a modern company car.

Despite this, all vehicles driven for work must be suitable for the type of work driving undertaken, and meet some minimum safety requirements.

When setting minimum standards, consider:

## Overall Safety Performance

Cars are required by law to meet minimum safety standards, but cars which score highly in Euro NCAP tests exceed these minimum legal safety standards.

Euro NCAP publishes star ratings of each car it tests at [www.euroncap.com](http://www.euroncap.com). A minimum 4 or 5 star Euro NCAP rating is recommended.

As well as giving cars an overall star rating, Euro NCAP tests shows how well the car protected adult and child occupants in front and side impacts, how well it minimised injury risk to pedestrians, cyclists and other vulnerable road users and its use of safety technology, such as electronic stability control.

## Minimum Safety Features

Seat belts and head restraints must be fitted in all seats, and there should at least be a driver's airbag. Newer vehicles are likely to be fitted with additional airbags, ABS and other safety features, but older vehicles may not be. Agree minimum requirements in consultation with staff and their representatives.



Additional safety features (such as Electronic Stability Control) are available in most modern cars, as standard or optional extras, and other features (such as Brake Assist) are becoming more common. However, they may not be fitted in older vehicles.



Advice for drivers with disabilities, or who may have disabled passengers, is available from Motability, [www.motability.co.uk](http://www.motability.co.uk).

## Unacceptable Features

Features or accessories which might increase risk, such as unnecessary in-car distractions, should be avoided.



# Minimum Conditions of Use

## Journey Planning

Where possible, use remote communications such as telephone, email or video-conferencing as a substitute for road journeys or travel by bus, train or plane, which is far safer and more environmentally friendly.

Set minimum conditions of use that grey fleet drivers must follow in order to use their own vehicle for work. For example, when driving their vehicle for work, drivers will:

- ensure their vehicle is properly taxed, has a valid MOT, valid insurance for business use and is serviced according to the manufacturer's recommendations
- provide, on request (and at specified intervals) documentary proof of the above
- always wear their seat belt
- only carry the number of passengers for whom there are seat belts, and ensure their passengers wear their seat belts
- conduct regular vehicle safety checks
- not carry loads for which the vehicle is unsuited (a car is not a van)
- not carry hazardous materials
- not use the vehicle in conditions for which it is not designed (e.g. off-road).

## Do Not Allow Unsafe Vehicles To Be Used

Ensure there is a clear rule that any vehicle that is deemed or suspected to be in an unsafe or illegal condition will not be used for work purposes until all necessary repairs have been completed.



## 'Fit for Purpose'

Vehicles may be used for a variety of purposes, and so it is important to ensure that the type of vehicle used is fit for its purpose.

If the work tasks only (or mainly) involve carrying goods, specify appropriate goods vehicles. If combined loads of passengers and goods are normally carried, then the type of vehicles specified should enable goods to be secured properly and passengers should each have a seat and seat belt.

Unsecured loads in cars greatly increase the severity of injuries to the occupants in collisions.

## Raise Awareness

As part of recruitment, training and staff appraisal, ensure that drivers who use their own vehicles, and their line managers, are reminded to ensure that minimum vehicle safety standards must be met. Staff also need to be aware of the:

- organisation's overall policy on work related road safety
- need for employees to co-operate in carrying out the policy and to report any problems
- fact that even if driving their own vehicle, they are on company business and must comply with the company's rules and procedures.
- legal, financial and PR consequences of crashing due to a faulty vehicle or when uninsured.



# Document Checks

Managers need to be sure that grey fleet vehicles are road legal and the staff who drive them for work are legally entitled to do so.

Therefore, relevant documents should be checked annually (or more often) and records kept. Companies can conduct manual checks themselves (although this can be time-consuming) use a company that provides an electronic database system for recording these checks or use the online tools described below.

Staff should be required to co-operate with these checks as a condition of being able to use their own vehicle for work.

Drivers should also be required to certify that they are legally entitled to drive and that their vehicle is in a safe, road legal condition on their expense claim forms.

## Driving Licence

Employers must ensure that everyone who drives for the company (whether in a company or a grey fleet vehicle) has a valid driving licence to do so. They should check the driving licence(s) of their driver(s) annually (or more often) and keep a record of the check.

The paper counterpart to the driving licence has been abolished, except in Northern Ireland, so it is no longer possible to check whether a driver's licence has any endorsements just by looking at the licence.



It's a criminal offence to obtain someone else's personal information without their permission.

The easiest ways to check drivers' licences are to use:

- a company that is authorised to conduct online licence checks with the DVLA. Drivers will each need to complete and sign a mandate consenting to their driving licence information being checked in this way.
- the online "[Check someone's driving licence information](#)" tool. The person checking the driving licence will need the last eight characters of the driving licence number and a check code from the driver whose licence is being checked. Drivers can obtain the code at [View Your Driving Licence Information](#). The code must be used within 21 days of being issued and can only be used once.

## MOT

The MOT status of a vehicle can be checked at <https://www.gov.uk/check-mot-status>.

## Servicing

Vehicles used for work should be required serviced according to the manufacturer's specifications, (although not necessarily by the manufacturer's agents) and to produce the service schedule on request.

## Insurance cover for Business Use

It is essential that any driver who uses his or her own vehicle for work journeys (excluding commuting) has appropriate motor insurance cover, including cover for business use.

## Registration document

It may be necessary to check that the driver is authorised to use the vehicle if s/he is not the registered keeper.

## Vehicle Excise Duty

The paper tax disc no longer needs to be displayed, but owners still need to tax their vehicle. This can be checked at <https://www.gov.uk/check-vehicle-tax>.

# Vehicle Checks

Managers should conduct (or contract an external agency to conduct) periodic visual checks of vehicles, including private ones, used for work (e.g. when they are in the company's car park).

If a vehicle looks to be in a shoddy condition on the outside this may be a sign of overall poor condition and maintenance and the driver should be asked to show the documents above.

## Regular Vehicle Safety Checks

Provide a checklist to encourage staff who drive for work to conduct weekly safety checks of their vehicle.

Check:

- tyres are undamaged, have enough tread depth and are at the correct pressure
- oil, coolant and windscreen wash levels are correct
- brakes are working
- lights and indicators are clean and working
- windscreen and windows are not damaged
- there are no signs of vehicle damage
- washers and wipers are working
- mirrors are correctly positioned.



## Pre Drive Checks

Before setting off on a journey, staff should conduct pre-drive checks to ensure that;

- tyres are properly inflated and undamaged
- lights and indicators are working
- there is no visible damage to the vehicle body or windows
- washers and wipers are working
- mirrors are correctly positioned
- brakes are working
- all occupants are using their seat belts and their head-restraints are adjusted correctly
- any loads are securely restrained.



# Supporting Policies

## Authorisation to Drive

A 'permit to drive' system in which only staff who have been authorised to do so are allowed to drive on company business, is a useful way of managing drivers. This may be a condition of the company's insurance.

## Line Manager Training

All managers should be trained to manage work related road safety as part of their health and safety responsibilities, and should lead by personal example and follow the organisation's policy.

They should understand the importance of monitoring the use of grey fleet vehicles as well as company vehicles.

## Reporting Requirements

Staff who are involved in a work-related crash, including damage-only incidents and significant near misses, should be required to report it to their line manager.

Drivers who have received penalty points, or been cautioned, summoned or convicted for driving offences (whether while at work or not) should be required to inform their line manager as soon as practically possible.

Drivers who are involved in a work-related crash, including damage-only ones, must report this to their line manager even if the vehicle is privately owned.

## Record and Investigate Crashes

All work-related crashes, including damage-only ones, should be investigated, even if the vehicle is privately owned.

This enables an assessment of whether the condition of the vehicle contributed to the crash, and what (if any) action is necessary to prevent repeat occurrences.

Keep the organisation's insurers informed.

# Further Advice

[Driving at Work HSE Guide \(INDG 382\)](#)

[Occupational Road Safety Alliance \(ORSA\)](#)

[RoSPA Driving for Work Guides](#)

[RoSPA Road Safety](#)

[Driver and Vehicles Standards Agency \(DVSA\)](#)

[Driver and Vehicle Licensing Agency \(DVLA\)](#)

[Vehicle Rules in Northern Ireland](#)

[Department for Transport \(DfT\)](#)

[Driver Knowledge Centre](#)

[Driving for Better Business](#)

[BRAKE Professional](#)

[Road Safety Observatory](#)

[Scottish Occupational Road Safety Alliance \(SCORSA\)](#)

[Highway Code](#)

[Think Road Safety](#)

[Motor Insurance Database](#)

[HSE Work Related Road Safety](#)

[EURO NCAP](#)

[Motability](#)

# Own Vehicle Policy

As part of our overall health and safety policy, we are committed to reducing the risks which our staff face and create when on the road as part of their work. We ask all our staff to play their part by always driving within road traffic laws, safely and responsibly. Failure to comply with the policy may be regarded as a disciplinary matter.

## **Senior managers must:**

- lead by example, by ensuring that they drive within road traffic laws, safely and responsibly, and by following the organisation's driver assessment and training policy.

## **Line managers must ensure:**

- they also lead by personal example
- staff understand the dangers and consequences of poor driving
- staff receive appropriate help and advice to ensure their vehicles are safe
- periodic checks of vehicle documents are conducted to monitor compliance of staff who use their own vehicle for work
- periodic visual inspections are conducted of staff's own vehicles that are used for work staff understand what to do if they consider they are at risk due to the driving they are required to do
- staff are confident that they can report and discuss any road safety problems they might have with an appropriate person without fear of being treated unfairly
- work related road safety is included in team meetings and staff appraisals and periodic checks are conducted to ensure our policy is being followed
- they follow our monitoring, reporting and investigation procedures to help learn lessons which could help improve our future road safety performance
- help improve our future road safety performance
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example in the way they themselves drive.

## **Staff who drive their own car for work must ensure:**

- it meets our minimum safety specifications (age, additional safety features)
- they have a valid driving licence
- they have business use motor insurance for the amount of business mileage they undertake
- their car is taxed, MOT'd and serviced according to the manufacturer's recommendations
- they co-operate with our procedures for driving licence and vehicle checks
- their vehicle is used safely (e.g. seat belt use, secured loads)
- they report crashes, incidents, fixed penalties, summons and convictions for any offence, including vehicle defects, to their line manager
- co-operate with our monitoring, reporting and investigation procedures.





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