

Governing Body Meeting
Summer term 2019

Report by the Director of Business
Development

DRIVER DOCUMENT CHECKS POLICY

1. INTRODUCTION

- 1.1 This paper provides a revised model Driver Document Checks policy which schools can utilise to ensure the necessary checks are made before employees use their own vehicle for business use.

2. BACKGROUND

- 2.1 Where employees drive their own vehicle for work they must have a valid driving licence, insurance which includes business cover and where a car is older than three years, a valid MOT certificate.
- 2.2 Driver document checks are still required. However, the introduction of the General Data Protection Regulation (GDPR) in 2018 has led to a review of our practices with regards these checks.
- 2.3 The GDPR introduced a suite of new principles regarding data protection. Two of the principles are most relevant in this context:
- 'Data minimisation' – data should be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed and;
 - 'Storage limitation' data should be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

3. INFORMATION

- 3.1 When these checks were originally introduced in 2010 the form for recording the checks gathered partial driving licence numbers, insurance certificate numbers and, where applicable, MOT certificate numbers.
- 3.2 In line with the principles outlined at paragraph 2.3, the policy along with the form for recording the checks has been revised. The policy and the form now only require the manager who is checking the documents to sign and date to confirm they have seen the original documents rather than adding the driving licence, MOT certificate and insurance certificate numbers to the form.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to consider the adoption of the revised model Driver Document Checks policy. Voluntary aided schools and academies which are part of the HR service level agreement, are asked to receive the policy for information and consideration.
- 4.2 Should the governing body decide not to adopt the model policy it should produce an appropriate alternative in consultation with the recognised teacher associations and trade unions. Community schools will be required to provide an alternative to the council, which the council as employer is satisfied, meets the necessary standard.
- 4.3 All governing bodies who adopt an alternative document or modify the model provided are requested to submit final documents to schoolsHRpolicy@northlincs.gov.uk
- 4.4 The governing body is reminded of the need to communicate policy changes to all staff at the earliest opportunity.

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NORTH LINCOLNSHIRE COUNCIL

DRIVER DOCUMENT CHECKS FOR [REDACTED] SCHOOL

Introduction

1. The school/academy wishes to minimise the risk of work-related road safety. It is therefore necessary for the school/academy to ensure that driver document checks are undertaken.

Policy and Legal Framework

2. The Health and Safety at Work etc Act 1974 requires employers to take appropriate steps to ensure the health and safety of their employees and others who may be affected by their activities when at work. This includes the time they are driving, or riding at work, whether this is in a company or hired vehicle, or in the employee's own vehicle. This includes occasional or short journeys.
3. Those employees driving their own vehicles (or hire vehicle) on business use will be checked annually. If business travel is necessary less frequently local arrangements must be made to ensure the necessary checks are undertaken before the required journey.
4. Where the job involves driving school/academy vehicles, the driving licence of the employee will be checked every six months. The licence must also be checked to ensure that the appropriate level of driving qualification has been obtained.
5. If the employee will use their own vehicle/s for work purposes their driving licence, current motor insurance (which must include cover for business use) and where required a valid MOT certificate must be checked.

Note: After their third birthday vehicles must pass an MOT annually and the vehicle owner must possess a valid MOT certificate.

6. If the employee drives or is likely to drive more than one vehicle, then the insurance cover and MOT certificate (if applicable) must be checked for both vehicles.
7. The declaration form at Appendix 1 has been agreed for use for this purpose.

Notes of Guidance

8. The requirement for a driver document check will be mentioned in the job advertisement and when a job is offered if driving is or may be required. Any offer of a post that requires the candidate to drive will be made conditional upon the document check being undertaken successfully.
9. The checking of a driver's documents will be undertaken at the same time that other pre employment checks take place. For new appointments, the check will be part of the induction programme so that every employee who drives or is likely to drive is checked before they commence driving duties.
10. For existing employees it is recommended that checks are carried out as part of the annual staff appraisal.

11. The managers of employees whose main task is to drive will make their own arrangements for a further check after six months.
12. Completed declaration forms will be signed by the employee and the manager concerned and then forwarded to HR or the appropriate location to be held securely in each employee's personal file.
13. Business use in the context of this policy is defined as all travel for work related purposes regardless of whether or not mileage allowance is claimed. Travel to and from training courses or to seminars and other work related events is included. Home to work travel is not included unless the mileage is claimed under the lesser than rule.
14. Any employee who refuses to make their documents available and/or sign the declaration form will not be allowed to drive on **school/academy** business and no mileage will be paid. A continued refusal to comply may lead to disciplinary or other action to remedy the situation if not being able to drive has a significant impact upon their ability to fulfil their contract of employment.
15. Employees are responsible for providing evidence of their current entitlement to drive and/or any endorsements and should use the free online Share Driving Licence service at <https://www.gov.uk/view-driving-licence> to obtain the necessary verification. The information summary sheet can also be generated, printed and produced for verification.
16. Employees with paper licences issued before the photo card was introduced in 1998 and those with photo card licences issued in Northern Ireland may use these as satisfactory evidence of current entitlement to drive.

Driver Responsibilities

17. A driver must not use their own vehicle for business related journeys unless they have obtained authorisation to do so from their line manager.
18. It is the responsibility of the driver to ensure that their vehicle is maintained in a roadworthy condition.
19. A driver must provide documentation/information as requested and respond in a timely manner in respect of the following:
 - Driving Licence
 - Insurance Certificate covering 'business use' (policies of insurance should include a clause indemnifying the **school/academy** against all third party claims, including those covering passengers, arising out of use of the vehicle on official business).
 - MOT certificate if appropriate.
20. To notify the employer of any change in circumstances that could affect an employee's entitlement to drive as soon as possible.

Manager Responsibilities

21. Managers must ensure that:
- The necessary checks are completed at the correct intervals.
 - The declaration form is signed by both the employee and the manager.
 - No licence or certificate numbers should be recorded on the declaration form.
 - No copies of documents should be taken or retained.
 - The completed declarations are filed securely on the employee's personal file.
 - Employees who have not been checked for whatever reason, are not permitted to drive on work related business.
22. The manager reserves the right to challenge anyone who is using a vehicle for business use, which appears not to be roadworthy.

Frequently Asked Questions

23. **How often should I do the checks?**
For staff who frequently or occasionally drive every year, annual checks are appropriate. Staff who regularly drive a school owned minibus should be checked six monthly. Where staff don't normally drive for business purposes a check should be made before the required journey. Schools may find that if they don't implement checks then their own insurance premiums may go up (for a school minibus for instance).
24. **Should I do checks on all staff?**
Checks are necessary on staff who have been requested/authorised to drive on school business (including training courses). It is not necessary to check staff who never drive in the course of school business.
25. **As a head/governor would I be liable/ what would I be liable for?**
There are cases of Directors being prosecuted because of failing to ensure that adequate checks of a driver's documentation had been carried out (in one instance a driver had been banned but didn't inform his employer and their checks weren't up to date enough so they weren't aware!).
26. **Can an employee refuse to show their documents?**
If someone refuses then they are not complying with the **school/academy's** policy and if a manager condones that behaviour by allowing someone to drive (on **school/academy** business), whilst not knowing if they have appropriate insurance, MOT where applicable and the appropriate driving licence, then they may well be liable in the civil sense in the event of a claim.
27. **Must employees pay an increased premium for insurance?**
Not all companies charge extra for appropriate business cover especially if details are provided of the extent and type of business travel. The mileage allowance rates allow for some additional costs associated with employees using their own car for business use.

28. **What are the data protection implications?**

Copies of documents should not be taken. Managers should view the documents and record and sign to say that they have done so on the form provided at Appendix 1.

Driver Document Checks

Appendix 1 – Driver Declaration Form

Department: _____ Job title: _____

I _____
(Print name)

declare that I have the following, which are relevant to me and/or to the vehicle I will use for work purposes and are valid:

Vehicle insurance including business cover:

MOT (usually where vehicle is 3 years old or more):

Driving licence with relevant categories (see below):

Categories (Please tick categories relevant to the job as appropriate):

B Motor vehicle < 3500kg	<input type="checkbox"/>
BE Motor vehicle with trailer	<input type="checkbox"/>
C1 Motor vehicle 3500kg - 7500kg	<input type="checkbox"/>
C1E Motor & trailer combined < 12000kg	<input type="checkbox"/>
D1 Bus 9 - 16 seats	<input type="checkbox"/>
D1E Bus 9 -16 seats & trailer < 12000kg	<input type="checkbox"/>
F Agricultural tractor	<input type="checkbox"/>
K Mowing machine	<input type="checkbox"/>
L Electrically propelled vehicle	<input type="checkbox"/>
N Exempt from duty	<input type="checkbox"/>
P Moped (up to 50cc)	<input type="checkbox"/>
Other Please specify	<input type="checkbox"/>

Please confirm the following:

- I am not currently disqualified from driving.
- I have no pending convictions or endorsements that could result in disqualification.
- I have had no change in my health, which could affect my entitlement to drive.*
- If any changes occur that could affect my entitlement to drive I will notify my employer in writing as soon as possible.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

*(See overleaf for guidance)

Signed: _____ Date: _____
(Employee)

I confirm that I have seen:

- The above original documents/online records and;
- evidence of the employee's driving record/ entitlement/endorsements.
(Copies should not be taken).

Signed: _____ Date: _____
(Manager)

Print name: _____

Driver Document Checks

Appendix 1 – Driver Declaration Form

Notes of guidance

You must tell the DVLA if you have a driving licence and:

- You develop a 'notifiable' medical condition or disability
- A condition or disability has got worse since you got your licence

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

- Diabetes or taking insulin
- Syncope (fainting)
- Heart conditions (including atrial fibrillation and pacemakers)
- Sleep apnoea
- Epilepsy
- Strokes
- Glaucoma

A comprehensive list and further information can be found at <https://www.gov.uk/health-conditions-and-driving>

You can use the A to Z on the page linked above to check if you need to report your condition and find the relevant form or questionnaire. The address you need is on the forms. There are different forms for different conditions and disabilities.

Please be aware that some requirements are different for vocational licences (buses, coaches, lorries) including:

- any heart condition or heart operation
- any visual problem affecting either eye

Contact DVLA if you're not sure what to do.

If you are advised by a doctor not to drive you should notify your manager immediately.

If you are driving on **school/academy** business and do not have insurance cover **for business use**, you run the risk of being prosecuted for driving without insurance. If you claim a mileage allowance you are accepting as a condition of payment that you have business cover. If you do not, you are making a fraudulent claim.