



DRIVING POLICY

DATE APPROVED:	August 2018
APPROVED BY:	Workforce & Development Group
IMPLEMENTATION DATE:	August 2018
REVIEW DATE:	August 2020
LEAD DIRECTOR:	Director of Workforce & Organisational Development
IMPACT ASSESSMENT STATEMENT: No adverse impact on Equality & Diversity	

Document Reference Number:	Policy - 021 (Version 2)
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Change Control:

Document Number	HR – Policy – 026
Document	Driving Policy
Version	Two
Owner	Director of Workforce & Organisational Development
Distribution list	All
Issue Date	August 2018
Next Review Date	August 2020
File Reference	PO-021
Author	Head of Education & Training

Change History:

Date	Change	Authorised by
For previous change history, please refer to version 1.2 of the document		
February 2018	Reviewed and changes made	Head of Education & Training
13 April 2018	Document not agreed and further amendments requested and advice needs to be sought.	Policy Group
05 July 2018	Agreed final document	Policy Group
July 2018	Circulated for approval.	Workforce Development Group
01 August 2018	Agreed for publication	Regional Partnership Forum

Expert Advice

Date	Organisation	Sections amended / Comment
	Staffordshire Police	Lind Report 1998, advice on speed capping, mobile phone & callers to mobile phone
	West Mercia Police	As per Staffordshire
	Highways Agency	Noted policy
	DTAG	Noted policy
	West Midlands Police	No comment
	Trust Legal Advice	Legal definitions, sections 9, 10 & 20

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1 Policy Statement

- 1.1** West Midlands Ambulance Service NHS Foundation Trust (the Trust) acknowledges the inherent risks that driving poses to individual road users, pedestrian, employees, the organisation, the provision of their services, and to the NHS overall and is committed to reducing these risks as far as is reasonably practicable.
- 1.2** Working together with staff, the Trust is committed to developing and implementing an effective risk management system to reduce the number and consequence of road traffic collisions by ensuring:
- Staff are competent and medically fit to drive the required class of vehicle appropriate to their role
 - All Trust vehicles are fit for purpose and maintained in a safe and fit condition

2 Introduction

This policy incorporates and ensures the Trust follows the applicable legislation:

- Health and Safety at Work Act 1974
- The Road Vehicles Lighting Regulations 1989 (Amended 2005)
- Road Traffic Act 1988 (Amended 1995)
- Vehicle & Driving Licence Act 1969
- Motor Vehicles Regulations 2010
- New Drivers Act (appended to Road Traffic act 1995)
- The Traffic Sign Regulations and General Directions 1994

3 The purpose of the policy is to:

- 3.1** Set out the required standards of driving within the West Midland Ambulance Service NHS Foundation Trust to reach its service users as quickly and safely as possible. (quickly – referring to emergency responses).
- 3.2** Ensure a standard approach to the driving development of staff throughout West Midlands Ambulance Service NHS Foundation Trust.
- 3.3** Minimise the number of Road Traffic Collisions (RTCs) and accident damage involving WMAS vehicles.
- 3.4** Ensure vehicles operated by the Trust are fit for purpose and maintained to a safe standard.
- 3.5** Promote, maintain and improve the professional image of WMAS staff and vehicles providing response and transportation.

- 3.6** Outline to staff and management their legal requirements and responsibilities with regards to emergency and non-emergency driving to deliver a consistent approach across all Areas and Directorates. This includes their responsibility to advise of any changes to their medical status or the taking of any medications which may affect their ability with regards to driving emergency and non-emergency vehicles.

4 Scope

This policy applies to all Trust employees, volunteers, Approved Volunteers, Bank Workers and agency staff carrying out their duties, and is supplementary to any other policies e.g. Health & Safety, and Incident Reporting.

5 Equality & Human Rights Impact Assessments

This policy embraces Diversity, Dignity and Inclusion in line with emerging Human Rights guidance. We recognise, acknowledge and value difference across all people and their backgrounds. We will treat everyone with courtesy and consideration and ensure that no one is belittled, excluded or disadvantaged in any way shape or form.

6 Definitions

- 6.1** "Emergency response driving" is required when an emergency is considered to be an event which needs immediate preventative action to avoid a risk to life or health.
- 6.2** "Patient Carrying Vehicles". Are vehicles operated within or on behalf of the Trust, which have the capability of carrying patients.
- 6.3** "Satisfactory driving licence": To drive a vehicle you must:
- hold the appropriate driving licence for the vehicle being driven
 - meet driver minimum age requirements
 - meet the legal eyesight standards
 - < 12 points within a three year period ('Totting up Penalty Points')
 - < 6 points within two years of passing your driving test (New Drivers Act)
- (DVLA, 2011)
http://www.direct.gov.uk/en/Motoring/DriverLicensing/EndorsementsAndDisqualifications/DG_4022550
- 6.4** "NHSTA/NHSTD": National Health Service Training Authority & National Health Service Training Directorate.
- 6.5** "Third Party Contracting". Is a voluntary arrangement in which the Trust pays for a contractor to assist in delivering parts of its services. For example, a Voluntary Aid Society (e.g. St John Ambulance, Red Cross).

- 6.6** “Approved Volunteers” from Basics, MARS, Care Team and voluntary aid societies are individuals who have successfully completed an approved emergency driver training programme and are permitted by the Trust to respond to emergencies using visual & audible warning devices.
- 6.7** “The Emergency Response Driving Register” is an electronic register held by the Trust, managed by the Education & Training Department that contains the details of employees & Approved Volunteers permitted to undertake Emergency Response Driving.

6.8 “Careless Driving”

Careless Driving is an offence under Section 3 of the Road Traffic Act 1988:

“If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.”

A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.

In determining what would be expected of a careful and competent driver in a particular case, regard shall be not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

The driver does not have to be driving a motor vehicle but any mechanically propelled vehicle and the offence can take place not only on public roads but any other place to which the public has access.

6.9 “Dangerous Driving”

Dangerous Driving is an offence under Section 2 of the Road Traffic Act 1988.

“A person who drives a mechanically propelled vehicle dangerously on a road or other public is guilty of an offence.”

A person is to be regarded as driving dangerously if (and only if) the way he drives falls far below what would be expected of a competent and careful driver, and it would be obvious to a competent and careful driver that driving in that way would be dangerous.

A person is also to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

“Dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware, but also to any circumstances shown to have been within the knowledge of the accused

In determining the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

6.10 Satisfactory Driving Assessment

This is an assessment against the proposed new Department for Transport ‘High Speed’ competencies supported by the Driver Training Advisory Group, where each competency is scored 3 or more. This assessment can only be carried out by a suitably qualified person.

6.11 True Speed Limit.

Is defined as the maximum speed at which it is safe and possible to proceed having due regard to the prevailing road, weather and traffic conditions, the handling characteristics and limitations of the vehicle being driven and, finally, the abilities of the driver.

6.12 Group 2 Medical Fitness to Drive Standards

These DVLA standards relate to specified medical conditions which may preclude driving of class C and D vehicles.

7 Accountability & Responsibility

7.1 The **Chief Executive Officer** has overall responsibility to ensure a safe and effective service is provided.

7.2 **Directors** are responsible for the ensuring compliance with this policy.

7.3 The **Director of Workforce and Organisational Development** is responsible:

- for the provision of driver training as required under this policy;
- for the provision of timely and effective Occupational Health services;
- monitoring compliance with and effectiveness of this policy;
- ensuring policy reviews and updates occur in a timely fashion.

7.4 **Director of Finance** has the responsibility to ensure adequate insurance, in consultation with fleet of all Trust vehicles.

- 7.5** This policy will be reviewed in 3 months from the date of approval, and thereafter every 2 years. The **Head of Education and Training** will ensure an earlier review of this policy takes place if there are changes in legislation and/or national guidance.
- 7.6** The **Head of Fleet** has the responsibility to ensure all vehicles are roadworthy and fit for purpose.
- 7.7** **All Managers** have responsibility to ensure,
- staff are aware of this policy, through Local Induction and when changes occur.
 - all employees within their area of responsibility comply with this policy
 - that early management intervention takes place where standards appear to be falling below the standards set out in this policy
 - triggers of driving assessments are referred to the Education & Training Department
 - when appropriate, investigations into incidents are made in accordance with the Trusts Incident Investigation policy.
 - perform annual vehicle licence checks and insurance suitability where appropriate.
 - review all Notification of Intended Prosecutions (NIP's) and action accordingly
 - investigate/review all vehicle incidences to determine refresher training in conjunction with the Education & Training Department.
 - action appropriately notifications from employees about changes to their health in accordance to this policy and other policies of the Trust.
- 7.8** **All employees and Volunteers** have a responsibility to
- familiarise themselves with the content of this policy,
 - seek advice from line managers for clarification where required
 - adhere to the requirements set out in this policy and its appendices
 - report any condition or injury sustained which may affect their ability to drive immediately to their line manager
 - attend training and assessments as instructed
 - notify their line manager if they are aware of any additional training requirements or assessments in accordance with this policy
 - notify their line manager of any changes to their medical status or the taking of medications which may affect their ability with regards to driving emergency and non-emergency vehicles
 - hold the necessary categories of driving licence commensurate with the types of vehicles they are required to drive
 - ensure that any vehicle they are required to drive on behalf of the Trust is roadworthy and legal to drive by undertaking the vehicle inspection procedures set out at Appendix 4

- drivers of privately owned vehicles must ensure that any vehicles used for Trust activities are maintained in a safe and roadworthy condition at all times and that they are adequately insured (business insurance applies)
- hold a valid in date driving licence, appropriate for the vehicle being driven
- drive in accordance with the Highway Code and in accordance with their training and relevant legislation.

8 Risk Assessment

8.1 As part of its overall risk assessment programme The Trust strives to ensure all risks associated with its driving activities are identified, evaluated and controlled consistently so far as is reasonably practicable by the following:

- 8.1.1** Appropriate vehicle risk assessments (including use of warning devices) in accordance with the Risk Management Strategy and Risk Assessment Policy
- 8.1.2** Training needs analysis based on evidence-based risk assessments.
- 8.1.3** Dynamic Risk Assessments of all routes undertaken during driver training.

9 Driving Standards

- 9.1** All employees, volunteers and Approved Volunteers who are required to drive as an essential part of their occupational duties must hold a valid driving licence, appropriate for the vehicle being driven and be competent and fit to drive. In addition all employees and Approved Volunteers who are required to drive under emergency conditions must undertake training and/or assessments as detailed below in Section 10 and referenced in the Education and Training Needs Analysis (ETNA).
- 9.2** The driving standards of the Trust for urgent & emergency high speed response follows the Institute for Health Care & Development (IHCD) D1/D2 driver training competencies and from 2012 that of the new Department for Transport (DfT) 'High Speed' driving competencies once finalised.
- 9.3** The driving standards of the Trust for planned & scheduled transports (Patient Transport Services) follows the Trust approved driving programme.
- 9.4** A summary table of education & training requirements against employee/volunteer status can be found at **Appendix 5**.

- 9.5** All materials used within driver training are referenced against approved driving standards. (e.g. Roadcraft, DTAG, CERAD Standards, Highway Code).
- 9.6** WMAS driver training delivers the standards of recognition and observance of the “True Speed Limit”. The true speed limit may be well below the Statutory Speed Limit and equally true to say that it can sometimes be well in excess of the Statutory Speed Limit, permitted under section 87 of the Road Traffic Act. *(section 87 exemption from statutory speed limits whilst engaged on emergency driving)*. Any speed selected has to be constantly reviewed and appropriate adjustments immediately made. This vital skill & standard is extensively assessed for both capability and consistency before any candidate is permitted to drive. This is widely regarded as the Gold standard.
- 9.7** A vehicle being used for ambulance purposes may exceed any statutory speed limit (those governing roads and vehicles) if observance of the limit would hinder the use of the vehicle for its official purpose on that occasion. (Section 87 of the Road Traffic Act). The exemption could be claimed when travelling to an emergency call but on the journey to hospital it would not normally be relevant unless the patient's condition justifies the exemption. The attendant dealing with the patient is best to provide information to the driver on best transit arrangements.
- 9.8** Whilst exemption from statutory speed limits exist when engaged on emergency response driving and authorised driver training courses, there still remains an overriding statutory requirement for the driver, and in the case of driving courses, the Instructor, to maintain safety margins. The exemption afforded the Trust does not allow staff to drive at a speed or in a manner which would amount to driving dangerously or without due care and attention.
- 9.9** The various Police Authorities covering the WMAS region may view excessive use of speed as dangerous driving and instigate the appropriate proceedings against the driver.
- 9.10** Emergency vehicles responding to designated ‘Cold response’ calls and ‘Urgent’ cases will comply with normal prevailing road speeds.
- 9.11** The following table is not a cap or limit and is not intended to replace the skills & attitude given through the standards of driver training in selecting the appropriate speed in the given circumstances. However, it is considered helpful and can be used as a general reference point.

Statutory speed limit	WMAS Guide
20mph	30mph
30mph	45mph
40mph	60mph
50mph	75mph
60mph	90mph
70mph	105mph

10 Education & Training

- 10.1 All employees driving under emergency conditions on behalf of the Trust are required to complete, satisfactorily, an approved emergency driver training programme either with the Trust or an equivalent recognised course during previous employment prior to being operationally deployed.
- 10.2 All employees driving patient-carrying vehicles under non-emergency conditions are required to undertake the Trust basic driving course prior to undertaking driving duties.
- 10.3 All Approved Volunteers as specified at section 5.6 that are required to drive under emergency conditions on behalf of the Trust must attain and qualify in an accredited and validated programme in accordance with national requirements to demonstrate competence prior to being operationally deployed.
- 10.4 All volunteers who are required to carry patients such as Volunteer Car Driver's will receive a driving assessment prior to commencement of service by a Trust driving assessor or driving instructor.
- 10.5 Employees who were employed prior to 1986 and received training under the former NHSTA and/or NHSTD, who cannot provide evidence of obtaining an approved driver training qualification will be required to undertake a competency assessment to gain entry onto the 'High Speed' Register and thereafter 5 yearly assessments as per section 10.9.
- 10.6 Driving assessments deemed unsatisfactory against the 'High Speed' competencies will result in a suspension of high speed driving duties and a remedial action plan created, mutually agreed and training delivered. Reinstatement of high speed driving duties will be subject to a satisfactory reassessment and retraining. See **Appendix 3** for procedure.
- 10.7 Employees who have completed an approved driver training qualification as detailed in section 9.2 will automatically be placed onto the 'High Speed' Register.
- 10.8 Regular assessment every 5 years will be completed by an accredited driving assessor or driving instructor to those staff undertaking 'High Speed' emergency response driving to ensure competency is maintained. This assessment may be called for earlier following an incident investigation recommendation. A satisfactory assessment is required to remain on the 'High Speed' Register.
- 10.9 Only those employees and Approved Volunteers on the 'High Speed' Register are permitted to undertake emergency response 'High Speed' driving.

- 10.10** All voluntary ambulance services [e.g. St. John Ambulance; Red Cross, SARA; Mountain Rescue] acting on behalf of the Trust will be required to complete regular driving and health assessments for all their drivers at least every five years to ensure their competency, these requirements must be documented in all service level agreements with these organisations.
- 10.11** All Fleet Services staff, managers and other staff expected to drive service vehicles will receive a driving assessment on commencement of service by a Trust driving assessor or driving instructor.
- 10.12** A summary table of education & training requirements against employee/volunteer status can be found at **Appendix 5**.
- 10.13** The Education & Training department operates an appeals process, which can be accessed through the normal educational operating procedures.

11 Triggers of Driving Assessments

- 11.1** Two driving incidences resulting in any exterior vehicle damage within a six month period, or one depending on its severity, may, following an investigation and route causes analysis, trigger a driving assessment.
- 11.2** Following a complaint, or internal reports either verbal or written on two or more occasions within a six month period regarding poor driving standards and following an investigation and Root Cause Analysis, may trigger a driving assessment.
- 11.3** Employees and Approved Volunteers may trigger a driving assessment themselves if they personally identify a training need in their own capability. In this instance, this assessment trigger is not recorded against the individual, other than the reports held on file accordingly.
- 11.4** All Driving assessments to be arranged through the Education & Training department. **Appendix 3**.
- 11.5** Assessments & Reassessments of employees / Approved Volunteers are recorded accordingly on file.
- 11.6** Any employee or Approved Volunteer who continually trigger driving assessments will be subject to an investigation, which may enact the disciplinary and/or capability policy. In this instance, the individual will be suspended from 'High Speed' and or full Trust driving duties which will be enacted and managed by the General Manager.

12 Driving Licence Checks & Endorsements

12.1 All employees, volunteers and Approved Volunteers engaged on driving duty or with the potential to be engaged on driving duty must hold a current valid, Full European Driving Licence for the vehicle category being driven. For entry into the Trust, it is acceptable to have a licence with a maximum of 3 (three) points only in certain categories. Please see **Appendix 1** for endorsements accepted.

12.1.1 All employees have a responsibility to;

Inform their own vehicle insurance company of any accidents they have been involved in whilst driving for or on behalf of WMAS regardless of the liability. Failure to do so may render their personal insurance void which may consequently lead to a criminal conviction for driving without insurance.

12.2 Driving Licence checks will be performed on an annual basis. Employees and volunteers must produce their driving licence where required to their line manager annually for inspection. Photocopies will NOT be accepted for inspection. All parts of a driving licence must be surrendered for inspection. See **Appendix 2** for procedure. Driving Licences will be checked on all reassessments and/or driver training programmes.

12.3 Employees, volunteers and Approved Volunteers who fail to provide their driving licence in accordance with 12.2 for inspection following two consecutive requests within two weeks of date of request will be suspended from driving duties. Failure to provide a driving licence for inspection during the suspension period (third request), may invoke the disciplinary procedure. A satisfactory driving licence is required to remain on the 'High Speed' register.

13 Mobile Phones

13.1 Handheld mobile phones must not be used whilst driving as it is illegal. This includes "texting" and whilst stopped in traffic, unless the phone is being used to call 999 (or 112) in a genuine emergency, where it is unsafe or impractical to stop.

13.2 The Trust will ensure that when employees and volunteers are required to drive on behalf of the Trust and use a mobile phone, this is done within the law and under the safest conditions possible.

13.3 Drivers must be aware though that using a mobile phone under any circumstances (including hands free) whilst driving may still distract attention from the road and must not be used without justification to avoid any unnecessary distraction. It remains the driver's responsibility to ensure that the standard of driving is not detrimentally affected by such activity. Failure to do so could leave the driver open to prosecution for dangerous or careless driving.

14 Fixed Airwave Radios & Mobile Data Terminals (MDT)

- 14.1** In line with legal requirements drivers of vehicles that operate a fixed radio system and or MDT's whilst driving must only do so when it is safe. All messages passed must be brief to avoid any unnecessary distraction. It remains the driver's responsibility to ensure that the standard of driving is not detrimentally affected by such radio activity. Failure to do so could leave the driver open to prosecution for dangerous or careless driving.
- 14.2** Solo responders will receive cases via AVL and voice via ARP

15 Fitness to Drive

- 15.1** In addition to the legal minimum standard, the higher Group 2 medical fitness to drive standards apply within the Trust for employees either driving under emergency conditions or transporting patients. A summary of the disorders which could affect an individual's eligibility for Group 2 Licensing can be found at:
- At a Glance Guide to the current medical standards of fitness to drive, issued by the Drivers Medical Group, DVLA Swansea.
<http://www.dft.gov.uk/dvla/medical/ata glance.aspx>
- 15.2** Health Assessments including eyesight tests are available for all staff via the Trusts Occupational Health Providers on appointment or promotion. Eye sight tests will be undertaken where an individual has notified the Trust of a change in their health that may impact on their ability to comply with DVLA Group 2 medical standards. Snellen Eye Sight Tests will be conducted on driver training programmes and assessments by approved driving instructors.
- 15.3** Any employee, volunteer or approved volunteer undertaking driving activities on behalf of the Trust must inform the Trust immediately of any health change, eyesight problem or other condition which could impair his/her ability to drive safely. In addition all employees and Approved Volunteers who drive under emergency conditions or who are responsible for transporting patients must inform the Trust via their line manager if they develop any of the medical conditions outlined in the DVLA Group 2 Standards.
- 15.4** Where employees develop a medical condition which prevents them either temporarily or permanently from undertaking driving duties which are essential for their role, every effort will be made to re-deploy staff into a suitable alternative role. Suitable alternative roles may not always be available and therefore development of such medical conditions could ultimately lead to termination of an employee's contract.

- 15.5** Guidance can be provided by the Trusts Occupational Health Providers on the medical conditions which could affect an employee's ability to drive safely both under normal and emergency conditions.
- 15.6** It is the driver's responsibility to ensure they are fit to drive at all times and be aware of the implications which alcohol, illicit substances and medication could have for driving safely. Information can be found at:
1. At a Glance Guide to the current medical standards of fitness to drive, issued by the Drivers Medical Group, DVLA Swansea.
<http://www.dft.gov.uk/dvla/medical/ata glance.aspx>
 2. Secretary of State Honorary Medical Advisory Panel Guidance on Diabetes and Driving.
http://www.dft.gov.uk/dvla/medical/medical_advisory_information/
- 15.7** All employees, volunteers and Approved Volunteers to whom this policy applies will be sent a 'Declaration' form on which, they will declare any medical condition which may affect their ability to drive under the DVLA Group 2 Standards. This declaration will remain in place however, staff are required to notify the Trust of any changes in their health or of any condition that has or may have an impact on their ability to comply with Group 2 medical standards. All declaration forms will be assessed by the Occupational Health provider.

16 Vehicles

- 16.1** All drivers have a legal responsibility to ensure that the vehicles they drive are roadworthy and legal to drive. Drivers must ensure that basic observational safety checks are carried out on a daily basis to ensure vehicles remain safe and roadworthy. See **Appendix 4**.
- 16.2** Any person (provided the person driving holds a licence to drive the vehicle and such licence has not been revoked or has held and is not disqualified from holding or obtaining such a licence and provided the person is driving on the order of or with the permission of the policyholder) can drive any motor vehicle the property of the Insured and/or for which they are legally responsible
- 16.3** Vehicles used by CFR's & Approved Volunteers must satisfy the Trust Fleet department. Vehicle must be of roadworthy condition, have a valid MOT and appropriate insurance. Copies of MOT, service history and insurance details must be sent to Fleet on an annual basis.

17 Privately Owned Vehicles

- 17.1 Privately owned vehicles must not be used for Trust activities unless they are adequately insured for business use. It is the vehicle driver's responsibility to ensure adequate insurance is in place for any such privately owned vehicle.
- 17.2 For all journeys, drivers using privately owned vehicles for Trust activities must provide a copy of their car insurance certificate to the Payroll Department that confirms the addition of business insurance. This must be confirmed to the Payroll Department annually. Employees are reminded that failure to do so will result in a lower mileage claim being paid and back pay will not be permitted.
- 17.3 Staff and volunteers are not authorised to use visual and/or audible warning devices on their private vehicles for responding and as such are prohibited from doing so, (The Road Vehicles Lighting Regulations 1989) (Amended 2005). This does not apply to lease cars authorised by the Trust.
- 17.4 Staff using privately owned vehicles are required to submit in addition to 17.2, a copy of their MOT.

18 Use of Audible & Visual Warning Devices

- 18.1 When deployed on an emergency case, the assigned response **MUST** proceed using visual & audible warning devices (sirens, blue warning lights and flashing headlights) at all times unless there is a justifiable reason not to do so. In addition, the driver must also give regard to all hazards (potential and actual) as well as prevailing road and traffic conditions.
- 18.2 When using blue lights and audible warnings you remain responsible under Road Traffic Legislation for your actions and omissions. The fact that you were responding to an emergency or major incident will not be a defence in law to a charge of dangerous or careless driving.
- 18.3 Whilst claiming recognised legal exemptions to certain offences under the Road Traffic Legislations, employees and Approved Volunteers **MUST** ensure that audible and visual warning devices are utilised, with care and consideration for other road users, and that the driver does nothing that could be classed as careless or dangerous driving. Staff are reminded that justifications are required for turning sirens off (18.1).
- 18.4 Flashing headlights are not to be used in the periods where headlights are required, as there use is likely to be confusing to the general public.
- 18.5 Vehicles fitted with alternate flashing rear red lights, these are to be used to make the vehicle as conspicuous as possible when attending a scene. They are only to be used whilst stationary, and must be extinguished whilst mobile.

- 18.6** Only unmarked responder cars approved by the Director of Service Delivery as appropriate, to be fitted with blue lights, will be authorised.
- 18.7** Approved volunteers as specified at section 5.6, responding on behalf of the Trust are permitted to use emergency audible or visual warning devices including signage to claim exemptions to the Road Traffic Act, [as authorised see 18.6] and they have complied with the training requirements outlined in section 10 & Appendix 5. As for voluntary aid societies, evidence of compliance will be required for auditing purposes.
- 18.8** Community First Responders (Staffordshire CFR's) using approved marked responder vehicles, fitted with visual & audible warning devices, **WILL NOT** be eligible for claiming exemptions to the Road Traffic Act. Failure to observe this ruling may result in your voluntary status being terminated.
- 18.9** All employees that are driving an emergency Trust vehicle and claiming Road Traffic Act exemptions [e.g. exceeding the statutory speed limits] who are found to have **NOT** used appropriate visual & audible warning devices fitted, may be subject to an investigation, which could be classified as misconduct under the Trusts Disciplinary Policy.

19 Exemptions

- 19.1** There is no automatic right to claim an exemption. The drivers of ambulances may claim an exemption from certain road traffic legislation when justifiable and when the vehicle is being used for ambulance purposes provided:
- The observance of the law would be likely to hinder the use of the vehicle for the purpose for which it is being used.
 - Nothing the driver does could be classed as dangerous or careless.
- 19.2** The following exemptions are the **ONLY** exemptions that are applicable to WMAS drivers, where justified:

Stopping on Clearways
Parking within the zig-zags of a pedestrian crossing
Parking in areas controlled by double white/yellow lines
Keeping the engine running whilst parked
Parking on the offside of the road at night
Parking on footway/verge/central reservation
Exceeding statutory speed limits
Treating a red traffic light as a Give Way
Using audible warnings at night
Observing 'Keep Left/Right' signs
Motorway regulations (where you need to do so to avoid or prevent an accident, or to obtain or give help required at an accident or emergency)

Entering a bus lane/street
Entering a pedestrian precinct

- 19.4** The driver should, wherever possible, attempt to make progress, claiming exemptions where appropriate and justified, using their driver training, experience and professional judgment to assess road, traffic and weather conditions at all times, with the aim of producing a safe but progressive drive, operating within their training with regards to the “True Speed Limit”.
- 19.5** Reminder that to claim an exemption the driver **MUST** have visual & warning devices activated, unless there is justifiable reasons in not using audible warning devices. The driver must always give regard to all hazards (potential and actual) as well as prevailing road and traffic conditions.
- 19.6** It is legal for WMAS to convey blood under emergency conditions by a land vehicle when providing an emergency response

20 Code of Practice for Emergency Driving & Speed

- 20.1** WMAS acknowledges and follows the Roadcraft manual & the Ambulance Emergency Response Driver’s Handbook.
- 20.2** These handbooks provide a summary of the standards and practices expected of a driver of an ambulance service vehicle, for both emergency and non-emergency use.
- 20.3** It clearly identifies that technical mastery alone is insufficient to enable a driver to be safe and progressive, this has to be in conjunction with a sound knowledge of the Highway Code, Police Roadcraft Handbook 2008 edition [or any subsequent published revision] and Road Traffic Law relating to the exemptions applied to emergency response driving.
- 20.4** All employees & volunteers should refer to these approved handbooks, which can be accessed via the Intranet and/or Virtual Learning Environment.

21 Notices of Intended Prosecution (NIP)

- 21.1** Notices of Intended Prosecution (NIP’s) will be reviewed by the Senior Operational managers within the organisation. Refer to **Appendix 6**.
- 21.2** Where NIP’s are received and no supporting exemption evidence is available such as the use of blue lights and sirens, the incident will be investigated and appropriate action taken.
- 21.3** All NIP’s received will be reviewed and audited against the Trusts Driving Policy standards. Where the policy standards are not met, an investigation may take place and appropriate action taken.
- 21.4** Any employee, volunteer and/or Approved Volunteer will be liable to the consequences of the law if the exemption is not approved.

21.5 Repeat offenders may invoke the disciplinary policy.

22 Monitoring & Auditing

22.1 Regular monitoring and auditing of the Trust Driving policy will be undertaken.

22.2 Managers of the Education & Training department will audit and monitor 20% of every driver training programme for educational compliance against the driving standards regulations and as part of that audit/monitor, will check all documentation meets a high standard.

22.3 The 'High Speed' register will be monitored regularly by Education & Training department, who will then escalate any issues/concerns to the Professional Standards Group and or senior managers for action.

22.4 Annual random audits and inspections of driving standards will be performed by approved driving assessors and/or driving instructors. The findings and recommendations will be reported to all relevant managers, who will then be reporting to relevant Directors for communication through the Trust Committee structure to the Trust Board.

22.5 Driving incidences and vehicle damage may be investigated / reviewed by line managers. Findings will be recorded and actioned accordingly, in accordance to this policy and other approved Trust policies.

22.6 Responsibilities will be checked through performance objective review meetings.

Appendix 1 – Enforcement Offences Categories Acceptable for Employment

Enforcement Offences Categories Acceptable for Employment

1	Careless driving	3 - 9
CD10	Driving without due care and attention	
CD20	Driving without reasonable consideration for other	
CD30	road users	
	Driving without due care and attention or without	
	reasonable	
	consideration for other road users	
2	Construction and use offences	3
CU10	Using a vehicle with defective brakes	
CU20	Causing or likely to cause danger by reason of use	
	of unsuitable vehicle or using a vehicle with parts or	
	accessories (excluding brakes, steering	
	or tyres) in a dangerous condition	
CU30	Using a vehicle with defective tyre(s)	
CU40	Using a vehicle with defective steering	
CU50	Causing likely to cause danger by reason of load or	
CU80	passengers	
	Using a mobile phone while driving a motor vehicle	
3	Licence Offences	3 - 6
LC20	Driving otherwise than in accordance with a licence	
LC30	Driving after making a false declaration about fitness	
	when applying for a licence	
LC40	Driving a vehicle having failed to notify a disability	
LC50	Driving after a licence has been revoked or refused	
	on medical grounds	
4	Miscellaneous Offences	
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	■
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
	■ = As Appropriate	
5	Motorway Offences	3
MW10	Contravention of special roads regulations	
	(excluding speed limits)	
6	Pedestrian Crossings	3
PC10	Undefined contravention of pedestrian crossing	
PC20	regulations	
PC30	Contravention of pedestrian crossing regulations	
	with moving vehicle	
	Contravention of pedestrian crossing regulations	
	with stationary vehicle	
7	Speed Limits	3 - 6
SP10	Exceeding goods vehicle speed limits	

SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicle)
SP30	Exceeding statutory speed limit on public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway

8 **Traffic Direction and Signs** 3

TS10	Failing to comply with traffic light signal
TS20	Failing to comply with double white lines
TS30	Failing to comply with "STOP" sign
TS40	Failing to comply direction of a constable/warden
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

9 **Aiding, Abetting, Counselling or Procuring**

Offences as coded, but with 0 changed to 2, i.e. LC10 becomes LC12

10 **Causing or Permitting**

Offences as coded, but with the end 0 changed to 4, i.e. CU10 becomes CU14

11 **Inciting**

Offences as coded, but with the end 0 changed to 6, i.e. TS10 becomes TS16

Appendix 2 - Driving Licence Audit Procedure

A photocopy of the full driving licence (photo card and paper licence) for all successful applicants, on entry to the Trust after 2008, will be retained on their personnel file.

When required to do so by any manager of the Trust, Trust Driving Instructor or Trust authorised/approved Driving Assessor, driving licences must be made available for inspection within 24 hours or at a time and date agreed between them. All employees and volunteers who drive for the Trust will have their Driving Licences inspected at least annually. Photocopies will not be accepted for inspection purposes.

Driving Licences are required for inspection before any driving assessment is undertaken. This instruction for inspection will be sent out to individuals who require a driving assessment, whatever the reason.

The HR department will alert all those staff via a bulletin that annual driving licence checks are due and for those that have already consented to a Third-party checker, access will be made to the DVLA Database to check these licences.

If any licence reported has more than six current penalty points, information will be sent to a nominated Manager with instructions that the licence is surrendered each month until current penalty points are six or less.

Where an employee is unable to drive to the required DVLA standard including the medical standards, the Trust will be informed and wherever possible will consider reasonable adjustments or redeployment in accordance with Capability Policy.

Any employee who declares a medical problem which may affect their fitness to drive under the DVLA Group 2 Standards, or who have been informed by the DVLA that they are not fit to drive to these standards, will be required to attend the Occupational Health Department for further medical assessment.

Licence Groups :-

Group 1 – Includes Motor Cars and Motor Cycles.

For category B (Motor Car) licence issue is valid until age 70 unless restricted to a shorter duration for medical reasons.

Group 2 - Includes large lorries (category C) and buses (category D)

The medical standards for Group 2 drivers are very much higher than those for Group 1 because of the size and weight of the vehicle.

Group 2 licences, lorries (Category C) or buses (Category D) are normally issued at age 21 and valid until age 45. Group 2 licences are renewable thereafter every five years to age 65 unless restricted to a shorter period for medical reasons. From age 65 Group 2 licences are renewable annually without upper age limit. All Group 2 licence applications must be accompanied by a medical application form D4

Staff with Group 2 licences that require to be renewed thereafter every 5 years from their 45th birth date will be responsible for the renewal and for costs.

All drivers who obtained entitlement to Group 1, category B (motor car) before 1st January 1997 have additional entitlement to category C1 and D1. Holders of C1/D1 entitlement retain the entitlement until their licence expires or is medically revoked.

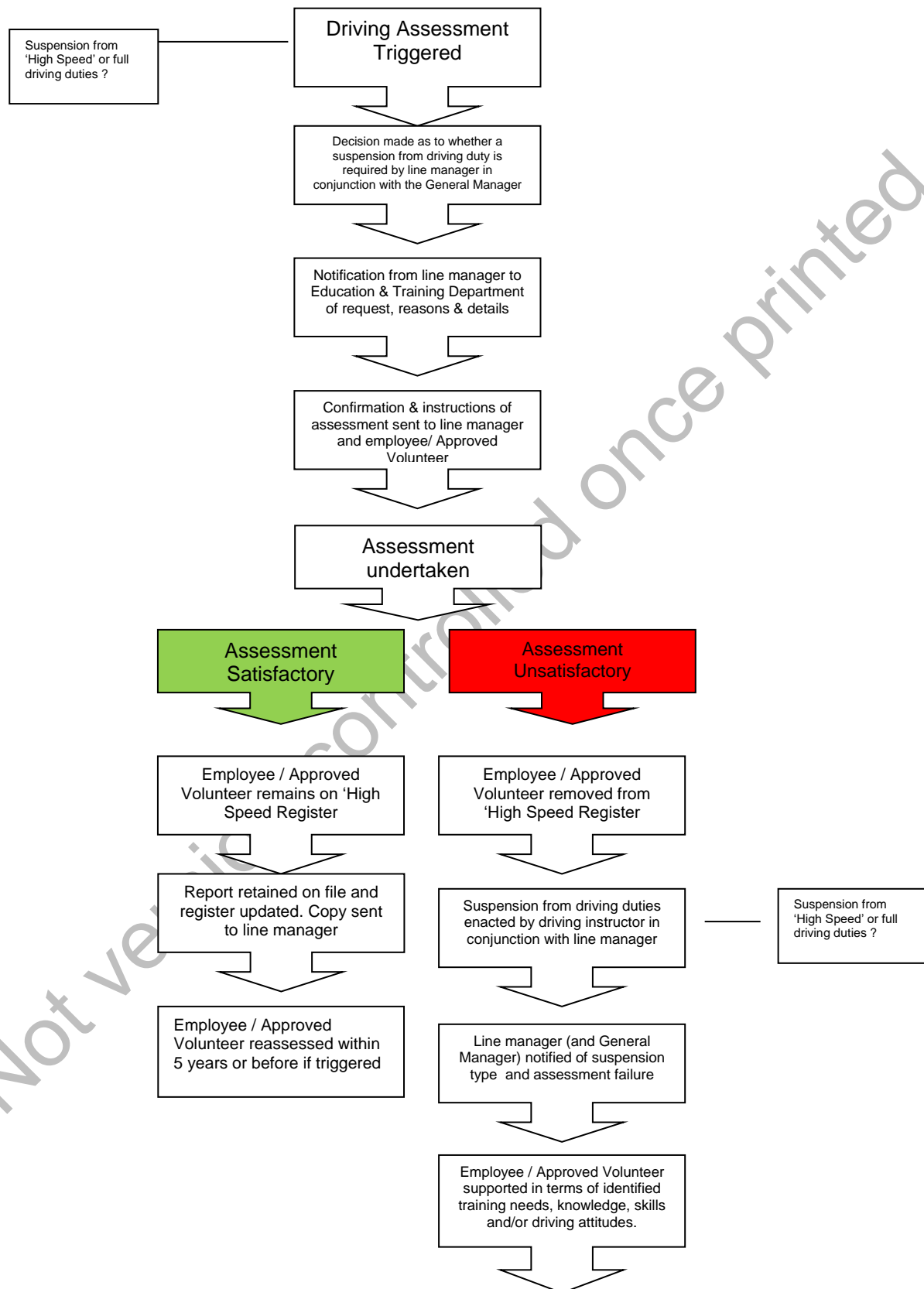
On subsequent renewal the higher medical standards applicable to group 2 will apply.

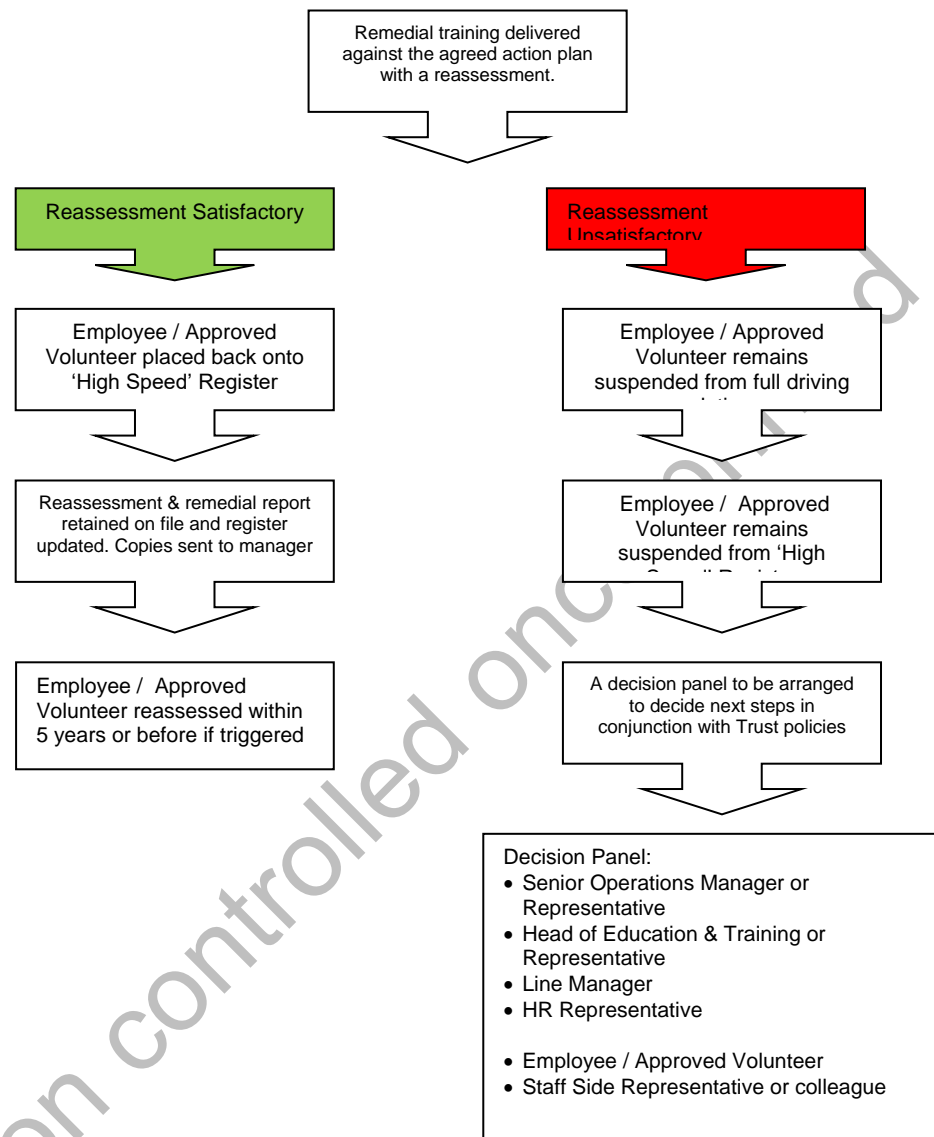
Fitness to Drive medical standard guidelines is provided by the Drivers Medical Group, DVLA. This document can be seen at www.dvla.gov.uk

Staff who have additional entitlement must ensure they notify of any pending likely loss of licence through expiration or refusal of renewal.

Not version controlled once printed

Appendix 3 - Driving Assessment Algorithm (Section 11.2)





Appendix 4 - Vehicle Inspection Procedures

The inspection requirements are:

- a. **Exterior Damage**. There is no exterior damage that interferes with the operation of the vehicle.
- b. **Wheels**. Wheel rims are in good order and nuts can be seen to be secure.
- c. **Tyres**. Check visually for damage, depth of tread and pressure.
- d. **Lights**. All fitted lights are in working order. Where duplicate bulbs are fitted, only one needs to be working.
- e. **Windscreen**. Windscreen not cracked, wipers and washers work.
- f. **Horn**. The horn works.
- g. **Glass**. Glass and mirrors clean.

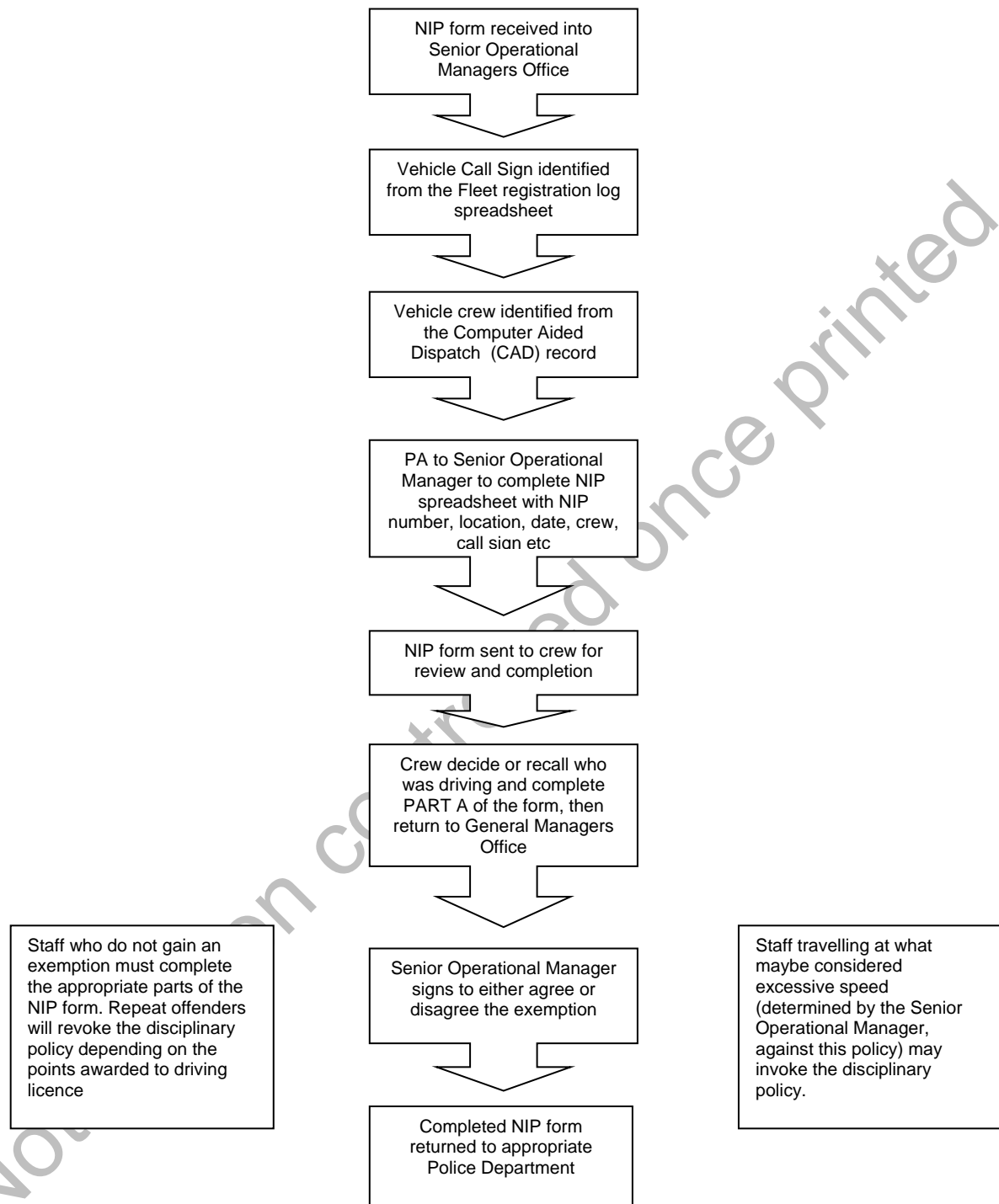
Appendix 5 - Education & Training Summary

	Pre Employment/Volunteer Driving Assessment	Trust 2 Day	IHCD D1 *	IHCD D2 *	C1	RRV Cat B (5)	4x4 (5)	HGV (5&6)	DfT High Speed (1)	Initial High Speed Register Assessment
Clinical Employed Staff (2)	■		■	■	■	■	■		or ■	
NHSTA / NHSTD Employed prior to 1985	■				■	■				■
Voluntary Car Services	■									
Patient Car Services	■	■								
Patient Transport Services	■	■			■					
Health Care Referral Team	■	■			■					
Employees required to drive as part of their role (3)	■									
Approved Volunteers (4)			■	■		■			or ■	■
Community First Responders										
HART	■		■	■	■	■	■	■	or ■	

Key:

(1)	Department of Transport 'High Speed' Competencies as from 1 st October 2011
(2)	Clinical Managers, ECP, CCP, FCP, Community Paramedic, Paramedic, Adv Technician, Technician, ECA etc
(3)	Non Emergency driving
(4)	Basics, MARS, Care Team
(5)	Role, Individual & Operational requirement specific
(6)	D1, E1 & Forward Command Vehicles (6.7 tonne Iveco)
*	Or an approved equivalent (e.g ROSPA Gold, AIM)

Appendix 6 (Section 21) - Notification of Intended Prosecution (NIP) Procedure



The above procedure supports section 22 of this policy:-

All NIP's received will be reviewed and audited against the Trusts Driving Policy standards. Where the policy standards are not met, an investigation will take place and appropriate action taken.

Appendix 7 – Ambulance Response Programme Call Categories

(As of August 2018)

Category	Percentage of calls in this category	National Standard	How long does the ambulance service have to make a decision?	Response level required?
Category 1 Emergency 999 Call	8%	7 minutes mean response time 15 minutes 90 th centile response time	The earliest of: •The problem is identified •An ambulance response is dispatched •30 seconds from the call being connected	Nearest deployable ambulance resource or CFR to be deployed. Ambulance resource response (DCA, RRV, Medic etc) as an emergency with lights and sirens.
Category 2	48%	18 minutes mean response time 40 minutes 90 th centile response time	The earliest of: •The problem is identified •An ambulance response is dispatched •240 seconds from the call being connected	Ambulance resource response (DCA, RRV, Medic etc) as an emergency with lights and sirens.
Category 3	34%	120 minutes 90 th centile response time	The earliest of: •The problem is identified •An ambulance response is dispatched •240 seconds from the call being connected	Ambulance resource response (DCA, RRV, Medic etc) as an emergency with lights and sirens.
Category 4	10%	180 minutes 90 th centile response time Or time at the patient side for HCP (Urgents) or IFT (Hospital Transfers) with a predetermined response time of 2 or 4 hours.	The earliest of: •The problem is identified •An ambulance response is dispatched •240 seconds from the call being connected.	Ambulance resource response (DCA) but under normal road speeds i.e. lights and sirens are not required.

References

The Health & Safety at Work Act *Provision and Use of Work Equipment Regulations 1988*
<http://www.opsi.gov.uk/si/si1998/19982306.htm>

The Construction of Use Act *Road Vehicles (Construction of Use)*
<http://www.opsi.gov.uk/si/si2003/20032695.htm>

The Road Traffic Act 1988 (and amended versions)

The Corporate Manslaughter & Homicide Act 2007
<http://www.justice.gov.uk/docs/manslaughterhomicideact07.pdf>

Medical Information – Driving and Vehicle Licensing Agency
<http://www.dft.gov.uk/dvla/medical.aspx>

Risk Management Strategy and Risk Assessment Policy.



Equality Impact Assessment Screening Form

Title of proposal: Driving Policy	
Person Completing Form:	Role in Organisation:
Directorate:	Service Area:
Date Submitted (dd/mm/yy):	

Main purpose and aims of the proposal and how it fits in with the wider aims of the organisation. (Please note, the WMAS Business plan and Strategy)

To evaluate the impact of a revised driving policy

Who will benefit from the proposal?

All drivers within WMAS

Helpful Questions: Does this proposal promote equality of opportunity? Eliminate discrimination? Eliminate harassment? Promote good community relations? Promote positive attitudes towards disabled people? Consider more favourable treatment of disabled people? Protect and promote human rights?

Please click in the relevant impact box or leave blank if you feel there is no particular impact.



	Potential for positive Impact	Potential for negative Impact	Please list details or evidence of why there might be a positive and/or negative impact	Additional Comments
Disability <i>Deaf, or hearing impaired, blind or visually impaired, speech impaired, physical disability (including mobility issues), memory loss, dementia, learning disability, mental ill health etc.</i>	No	yes	Other forms of the document rather than written or possibly different coloured paper. Due to the nature of a driving policy some people with visual impairment may not be allowed to drive our vehicles	As a pre-requisite the person must meet medical Fitness to drive standards. A person-centered approach to any assessment is required. Each person must be assessed individually and supported where possible to negate the impact.
Gender reassignment <i>Related to a person who intends to, or who is undergoing or has undergone a process to change social gender role. How do we care for transgender / transsexual individuals?</i>	No	No		
Pregnancy and Maternity (breastfeeding) <i>Do we make sure the treatment of women positively takes pregnancy, maternity and breastfeeding into account if at all possible?</i>	No	No		
Age <i>Could age be a barrier to accessing/receiving services? This can be for older persons or younger persons / children.</i>	No	No		



Sexual Orientation <i>Do our services take a person's sexual orientation into account in what we do, say, and the information we give?</i>	No	No		
Marriage and Civil Partnership* <i>Do our services take into account the need to involve civil partners? (Only the first aim of the duty applies in relation to employment).</i>	No	NO		
Race <i>Related to a person's genetics and place of birth, language, culture, etc.</i>	No	NO		
Religion and Belief <i>Related to a person's customs and belief's – including non – belief</i>	No	No		
Sex <i>Assuring all genders have equal opportunity and pay equality</i>	No	No		



If a negative impact has been identified in any of the key areas would this difference be illegal?
i.e. would it be discriminatory under anti-discrimination legislation.

Yes ☐ No ☒

What do you consider the level of negative impact to be?

High ☐ Medium ☐ Low ☒

If the impact could be discriminatory in law, please contact the Equality, Diversity & Inclusion Manager immediately to determine course of action. If the negative impact is high a full impact assessment will be required.

If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality, Diversity & Inclusion Manager before proceeding.

If the proposal is not relevant to any of the above equality issues, and any negative impact is considered low or legal, then please complete the rest of the form below with any actions and

How would you minimise or remove any negative impact identified even if this is of low significance? How will any impact be monitored and reviewed?

Ensure the policy is available in different formats. Discuss with the Equality, Diversity and Inclusion Manager.

Please save and keep one copy and then send a copy to the Freedom of Information and Document Control Officer, Lynsey Bull Lynsey.Kumari@wmas.nhs.uk who will attach it along side the policy, strategy or procedure. The Equality, Diversity & Inclusion Manager will check and then the results will be published on the Trust's website. Please ensure that any resulting actions are incorporate into the Directorate planning and monitored on a regular basis.