

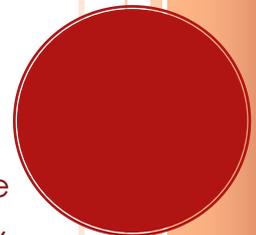
USING VEHICLES FOR YOUR CHARITY OR COMMUNITY GROUP

A Guide for Charity Staff and Volunteers involved in Transport

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Many road traffic accidents are also the result of individuals driving as part of their work or volunteering.

For all charities and community groups, health and safety law applies to any driving activities and your group must manage the associated risks with these activities.

This note is designed to provoke some thoughts in this area. If your charity work involves transport you might find this information useful. If you properly consider and manage the risks associated with your transport needs, you will reduce the risk of injury to your colleagues and volunteers, reduce the risk of injury to members of the public and service users and provide confidence and morale in your organisation.

However, you might require professional health and safety advice and this paper cannot be construed as comprehensive or complete advice on the subject.

RESPONSIBILITIES AND THE LAW

When staff and volunteers are commuting, the health and safety laws do not apply. That is to say, that your charity or group has no direct responsibility for the safety of your employee or volunteers as they travel between home and their usual place of work using their own vehicle. The information we provide here also does not relate to large goods or passenger carrying vehicles which are subject to very specific regulation.

The Health and Safety at Work Act 1974 states that any group or charity must ensure, so far as reasonably practicable, the health and safety of all employees while at work. **This includes staff or volunteers using their own vehicle to visit sites that are not the usual place of work.** You must also ensure that others are not put at risk by your work-related driving activities.

Your organisation also has responsibilities under the Road Traffic Act and the Road Vehicles (Construction and Use) Regulations. It is worth familiarising yourself with these too.

Most accidents on the road are dealt with by the police. While health and safety law applies when a vehicle was on charity business, in most cases, collisions will not involve this legislation.

However, if it was deemed by the police that a serious breach of care by the employer (charity) was a factor, then the HSE may become involved. This is only likely to occur in serious incidents that may involve the death of a volunteer or staff member.

In these situations, if it can be proved that management failure created a '*gross breach of a relevant duty of care*', then the charity could be at risk of being prosecuted. More recent law, *Corporate Manslaughter and Corporate Homicide 2007*, (in Scotland, corporate culpable homicide) has put a new onus on all organisations. A charity can now be guilty of this offence (leading to stiff penalties) if its activities and the way they are managed causes death and is a gross breach of duty to the deceased. Senior Management also have to be a significant part of the breach of care for this specific law to apply.

ASSESSING AND MANAGING YOUR TRANSPORT RISKS

Any organisation has a responsibility to assess and manage health and safety risks affecting their staff and volunteers.

Thoughtfully conducted risk management is a hugely valuable activity for any group. Often misconstrued as a bureaucratic process, risk management when used effectively, simply identifies the things that stop you being successful as a charity and plans how to deal with these risks. It is a legal requirement to formally record a risk assessment if you have more than 5 employees but we would suggest that any group that have transport

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activities should formalise their thoughts in this area. This is recommended even if activities are limited such as volunteers occasionally visiting a second site or service user.

Your risk assessment should take care of the biggest risks (the risk of death to a volunteer or member of staff) and also the smaller items.

The Health and Safety Executive have produced a helpful '**Plan,**

Do, Check, Act' plan, as a guide for creating and operating effective risk management. This process will help you formulate an appropriate approach to how you manage road risk for your group. Please see the links in the final section for further information.

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Plan

Create a risk assessment but do it in consultation with staff and volunteers. After all, they know the real risks of the activities you are engaged in.

Consider all of the risks regarding road safety that your organisation faces. For some ideas of things to consider check out the HSE document, 'Work Related Safety Checklist' – A link to it can be found at the bottom of this pdf.

If you need a template for risk assessments, there are some available online and we would be happy to furnish your group with one too. In the other resources section below, you will find a link to the Health and Safety Executive Risk Assessment form.

Your risk assessment should consider the dangers faced by volunteers or staff as well as service users and members of the public.

One common issue for charities that work with service users with complex physical or mental needs is the safety of all concerned when being transported by the charity.

You should assess the needs of these service users very carefully. Many charities simply will not permit one team member to transport one service user on the grounds of safety. If the service user needs attention during the journey or becomes disruptive, it cannot be safe for the driver to be dealing with that and to concentrate on the road.

It is also imperative to ensure that you understand the nature of risk a service user might pose during transit. If the service user is known to the group then a proper assessment can be made. If you are transporting the service user on behalf of another group or the client is new to you, make sure you get a full briefing on the clients needs and the risks posed before you organise transport.

Not allowing one to one ratios for transport can be good practice regardless of needs, it might also be a sensible safeguarding step too.

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This consideration also might stretch to other modes of transport too. You owe a duty of care to an employee or volunteer at all times. If a single volunteer is transporting a single service user by any means of transport, it is vital to consider whether one to one support is

enough at any time. Planning around potential eventualities is essential. For example, if a number of volunteers / staff are transporting a number of service users to an event off site, consider what would happen if one service user had to be returned or transported onwards, would you have the people capacity to manage the safe ratios as laid out in your policy?

Also consider the length of journeys and the conditions drivers will face. Make sure these are considered in your policy too.

Overall considerations for your risk assessment should include:

- **Organising journeys**
- **The drivers and passengers**
 - **This should include considerations about the safety of service users**
 - **Driving licence checks – You should keep written records that a driver is eligible to drive whether in their vehicle on charity business or in one of your vehicles**

- **Insurance checks – If a driver is using their own vehicle, written confirmation that they have the correct insurance in place is important for your records.**
- **Training for all employees and volunteers involved**
- **Maintenance and standards of the vehicles**
 - **This is pertinent to private vehicles. Your policy and practice needs to consider how you**
- **Being assured that appropriate insurance is in place**

Useful Questions to Consider

In Appendix Two, there are a further list of questions to consider when compiling your risk assessment.

Do

Once your risks are identified and your policy created, it is essential to both communicate it well and provide any appropriate training. It is important to have risk assessments and formal processes around this area though. It can be very tempting at the last minute to ignore best practice. It is essential that your policy be published, communicated and adhered to.

Any transport safety processes and controls that you have put in place should be matched with robust systems of managing and recording. For example if you have a policy to conduct maintenance checks on colleague vehicles, make sure that you can evidence that this has been done by a suitably qualified person.

It cannot be stressed enough that involving staff and volunteers at every stage is essential. Not only for communicating the policy but to engage your team in it too.

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Carry out any training that your policy requires and record this appropriately too. This will help evidence that you have taken all measures laid out in your risk assessment.

Check

Once your policy is in place the next step is to monitor the safety of your volunteers and staff and make sure that the policy is being used and remains effective.

Creating the right culture around road safety is no different to other aspects of risk. If you encourage your teams to report incidents, even those that resulted in no harm, you will have a better understanding of where things could potentially cause harm in the future. This will enable you to update your policy to address emerging risks or strengthen the controls you have in place.

Act

If you are learning from your experiences, you will have the data and information you need to make good decisions about your transport safety policy.

This will help you protect the safety of staff, volunteers, service users and the general public and give confidence to your teams too.

Ongoing reflection on the safety of your activities on the road is a critical part of a great risk culture.

INSURANCE

Employees or Volunteers in Their Own Cars

For many charity and voluntary groups, the only option available for transport is a volunteer or employee using their own vehicle.

There is clearly a critical element involved here, the insurance of the individuals vehicle. It is the responsibility of the individual employee or volunteer to ensure that the correct cover is in place. This must include the correct 'business class' of use for the activities too.

As an organisation, it is imperative that you ensure that individuals seeking to use their own vehicles have arranged for the right cover to be in place too and you should both request and keep a record of this.

Many motor insurers will allow voluntary only activities to be insured under their standard social, domestic and pleasure wording which many drivers will have. However, all drivers for your charity should check the specifics with their insurers and ensure that a proper understanding of the driving is understood, particularly if the usage involves transporting service users.

Correct Classes of Business Use (Insurance)

If the charity or voluntary group owns or provides the vehicle, they will insure it themselves, either as a single policy or as part of a fleet policy if the group have more than one vehicle. It is important that when this cover is organised, it is done so correctly.

One point to note is that the vehicle needs to be insured in the name of the organisation, not in the name of an individual employee. This advice applies, even if the policy is an 'any driver' policy. The issue insuring in the name of an employee or volunteer creates, relates to business use. If class one business use is in force, you might falsely have confidence that you are correctly insured.

Using a vehicle as part of your work or volunteering with a charity, to drive to other sites constitutes class 1 business use. It doesn't include cover for commercial use (such as deliveries) or door-to-door selling.

Critically, class one usage also does not extend beyond the main driver. This might leave other volunteers and charity staff exposed if they drive the vehicle on charity business.

Furthermore, for the charity to own a vehicle and an employee to insure it, it might create an issue around '*insurance interest*'. This is an insurance principle that effectively means that the policyholder must have a financial interest in the potential losses that an insurance contract cover.

Insurance for Vehicles Owned by the Charity

Always arrange insurance cover through a reputable firm and ensure that a full disclosure of all material facts are made to the insurer.

This will include details of the drivers, including any convictions, bans and medical conditions and so, your organisation will need to check these each year to ensure your own insurer is up to date. Keep records of your checks each year but it is right to ask for copy licences and a declaration of accidents.

Although the Insurance Act, introduced in 2016 makes the consequences of 'non-disclosure' much better for charities, policies can still be voided if omissions or disclosures are reckless or deliberate.

Once a policy is in place, make sure staff and volunteers know the limitations of cover. Create a policy about how your vehicles can be used and make sure it is distributed to the team. Often a signed acknowledgement is the best record that you have communicated the policy to your team.

The same onus on the group exists to ensure that your own vehicles (just like the private vehicles of your staff and volunteers, used on charity business) are maintained and safe.

Insurance for Minibuses

Separate legislation covers minibus vehicles and specific advice should be sought if you operate one. However, you will be required to ensure that drivers are competent to drive. Many organisations use the MIDAS scheme, a nationally recognised standard for the assessment and training of minibus drivers.

A critical consideration is whether you are paid for the usage of the minibus. An insurer will apply different terms and underwrite on a different basis for charities that are using the vehicle for loan or hire.

Appendix One - Other Resources

[Charity Fleet Insurance](#) – Ladbrook Page

[Charity Minibus Insurance](#) – Ladbrook Page

[Driving at Work](#) – Published by the government

[Plan, Do, Check, Act](#) – The Health and Safety Executive

[Corporate Manslaughter](#) – The Health and Safety Executive

[Leading Health and Safety at Work](#) - The Institute of Directors / Health and Safety Executive

[Vehicle Work Safety Checklist](#) – The Health and Safety Executive

[Risk Management Assessment](#) – The Health and Safety Executive

[Reported Casualties in Accidents by Journey Purpose and Casualty Type](#) - Department for Transport

[Health and Safety at Work](#) - The Health and Safety Executive

[The Management of Health and Safety at Work Regulations](#) 1999 - The Stationery Office

[Consulting employees on Health and Safety: A brief guide to the law](#) - The Health and Safety Executive

[The Highway Code](#) - The Stationery Office

[The Health and Safety Toolbox: How to Control Risks at Work](#) – The Health and Safety Executive

[IOSH Management of occupational road risk information](#)

[Management of Work-Related Road Safety](#) - The Health and Safety Executive

[RoSPA Road safety advice, information and resources](#) - RoSPA

[RoSPA Driving for work information](#) - RoSPA

Appendix Two – Useful Questions to Consider in your Risk Assessment

These questions might be useful prompts as you compile a motoring risk assessment and policy.

- *Are your drivers competent and capable of doing their work in a way that is safe for them and other people?*
- *Do you check the validity of driving licenses on recruitment and periodically afterwards?*
- *What are you doing to make sure your drivers are aware of company policy on work-related road safety and understand what is expected of them?*
- *Are your drivers properly trained and inducted? Do you also give priority to those at highest risk, eg high annual mileage, accident records, or new drivers?*
- *Do you assess training needs periodically, including considering refresher training?*
- *Do drivers know how to carry out routine safety checks, such as those on lights, tyres and wheel fixings, and report any faults?*
- *Do drivers know what to do to ensure they are safe if their vehicle breaks down, eg use safety warning triangles and high-visibility jackets?*
- *Are drivers aware of the height of their vehicle, both laden and empty? There are estimated to be around three to six major bridge strikes every day.*
- *Are your drivers sufficiently fit and healthy to drive safely and not put themselves or others at risk?*
- *Do you remind drivers that they must satisfy the eyesight and other health requirements of the Highway Code⁶ and DVLA?*
- *Are drivers aware of how dangerous tiredness can be and do they know what to do if they start to feel sleepy?*
- *Do you encourage drivers to report any health concerns?*
- *Are vehicles fit for the purpose for which they are used?*
- *Do you ensure privately owned vehicles are not used for work purposes unless they are serviced in line with manufacturers' recommendations, insured for business use and have a valid MOT certificate?*
- *Are vehicles maintained in a safe and fit condition? Do you ensure daily vehicle checks are carried out?*
- *Do you ensure tyres and windscreen wipers are inspected regularly and replaced as necessary?*
- *What procedures are there for reporting defects and are they remedied promptly?*
- *Do you provide drivers with guidance on good posture and, where appropriate, on how to set their seat correctly?*
- *Do you consider the needs of service users?*
- *Have you considered the risks of transporting service users with complex needs?*
- *Have you considered safeguarding?*

- *Have you thought about alternate courses of action if an unforeseen event happens with a service user present? E.g. breakdown.*
- *Do you plan routes thoroughly?*
- *Do you plan routes in consultation with drivers, taking account of, for example, the need for rest breaks and access to toilets and washing facilities? Do you try to avoid periods of peak traffic flow? The Highway Code recommends that drivers should take a 15-minute break every two hours.*
- *Do you make allowances for new starters, young workers and trainee drivers?*
- *Have you considered advising drivers who work long or irregular hours of the dangers of driving home from work when they are excessively tired?*
- *Do you consider poor weather conditions, such as snow or high winds, when planning journeys?*
- *Are vehicles properly equipped to operate in poor weather conditions, eg are anti-lock brakes or winter tyres fitted and is windscreen washer fluid the correct strength for freezing conditions?*