

Occupational Road Risk Policy

January 2017

CONTENT

		Page No (s)
1.0.	Introduction	3
2.0.	Scope of Policy	3
3.0.	Purpose of the Policy	4
4.0.	Legislative Requirements	5
5.0.	Our Policy	5
6.0.	Key Organisational Responsibilities	6
7.0.	Appendices - Drivers Hand Book	

1.0. Introduction

Caerphilly County Borough Council's Fleet Management and Risk Management Sections recognise their responsibility to Manage Occupational Road Risk and therefore have collectively developed this policy as part of their commitment to reducing Road Traffic casualties, improving quality of life and meeting a range of statutory requirements.

CCBC recognised that its most valuable assets are its workforce & the tools required for them to undertake their duties safely, and as a result, this policy endeavours to manage and control occupational road risk by raising awareness of those risks by good management practice.

2.0. Scope of Policy

This Policy aims to support the Authority's workforce, its Chief Officers, Directors and anyone with line-management or supervisory responsibility in delivering high standards of Safety in relation to driving at work, and applies to the following categories of work.

- Fleet Vehicles
- Leased Vehicles
- Hired or Contract Hired Vehicles
- Demonstration Vehicles
- Pool Cars

This policy is also supported by:

- Drivers Hand Book (Appendix 1)
- Risk Management Policies
- Relevant Health and Safety Policies
- Relevant Personnel Policies
- Terms and Conditions of Employment
- The Management of Health and Safety Regulations 1999
- Policy on use of Hand-held mobile phones
- Date Protection Policy

The policy is not intended to be prescriptive but to provide guidance, information and advice for managers and employees of CCBC. The aim is for the policy to assist them, flexibly and sensibly, to recognise, reduce and deal with the risks posed to employees and volunteers while they are travelling on

council business. Employees and Elected Members driving from home to the place of work are deemed to be commuting which is not covered by this policy. However, the policy covers workers travelling direct to site from home when in a Council Vehicle

This policy applies to all council employees, including elected members who drive council owned/leased or hired vehicles and those who travel while at work on council business driving council owned/leased or hired vehicles. The council also has a duty of care to all stakeholders who need to travel while on duty for Caerphilly County Borough Council. The policy does not cover the use of private cars for Council business (“grey fleet”).

3.0. Purpose of the Policy

Approximately 30% of all fatal road crashes involve people who are at work.

Not managing Occupational Road Risk well can have a number of effects on the Council including:

- Loss of staff, absenteeism because of injuries, and less productivity.
- Loss of, or damage to, vehicles and other property.
- Increased insurance costs, e.g., vehicle repairs or replacements.
- Compensation claims and increased motor insurance premiums.
- Action by the enforcing authorities, e.g., the HSE or the police.

This policy reinforces and introduces features specific to driving whilst at work such as:

- Driving-related risk assessments.
- Verification of legal entitlement to drive.
- Assessing suitability of vehicles used at work.
- Checking of key documents.
- Use of mobile phones.
- Save and fuel efficient driving.
- Improving the efficiency of services and reliant on fleet for delivery.
- Repudiating false allegations and claims against drivers.

These features are designed with the safety of drivers and passengers in mind and to make sure managers remain aware of the key issues.

The government has set a target to reduce road traffic accidents by 2020, and part of this initiative is aimed at people who drive council owned/leased vehicles as part of their work. Caerphilly County Borough Council has responded by developing this Occupational Road Risk Policy to help drivers and anyone with line management or supervisory responsibility to be more aware of, and thereby reduce, the risks associated with driving.

4.0. Legislative Requirements

In addition to the general day-to-day responsibilities of the Council, Caerphilly County Borough Council is bound by many legislative requirements in particular those indicated below.

The Health and Safety at Work Act 1974 requires employers to ensure, so far as is reasonably practicable, the Health and Safety of all employees and others who may be affected by work activities such as driving.

The Management of Health and Safety at Work Act 1999 imposes a duty on employers to undertake suitable and sufficient assessments of work activities such as driving if there is a reasonably foreseeable risk of injury or ill-health.

The Provision of Use of Work Equipment Regulations 1998 requires employers to provide information, instruction and training to relevant employees on the safe use of equipment such as vehicles. The regulation also requires work equipment such as vehicles and associated equipment to be inspected and maintained to ensure their safe use.

Terms and Conditions of the Authority's Operators' Licence require that the named Operators will uphold the Terms and Conditions of this licence with regard to Vehicle Maintenance; Defect Reporting; Driving Hours; and the Safe Loading of Vehicles.

Transport Rules and Regulations require all Road Transport Rules and Regulations to be adhered to, and where offences are committed appropriate action is taken to ensure as far as is reasonably practicable, that such offences do not occur in future. This will include but is not limited to:

- Highway Code
- Road Traffic Act 1989
- AETR and Domestic Driving Rules

- Regulations as Laid Down in the Chapter 8 Code of Practice
- Terms and Conditions laid down in the Authority's Operator's Licence
- Use of VMI systems has an effect on individuals whether they are operators/drivers of the vehicles or members of the public caught on CCTV. **The Data Protection Act 1998** provides protection for personal information relating to living individuals while the **Human Rights Act 1998**, article 8 provides for the right to private and family life, home and correspondence.

5.0. Our Policy

In recognition of the Council's Legal and moral obligations for ensuring driver safety, Caerphilly County Borough Council actively seeks to take all reasonably practical measures to ensure safe systems of work are provided to those undertaking driving activities as part of their employment.

As an extension to this obligation the Council aims to provide a systematic and planned approach to road safety through a process of continuous improvement with the overall objective of achieving the highest standards of occupational road safety.

In discharging these duties the authority will ensure that

- Verification of Legal Entitlement to Drive initially by Manual Inspection of Driving Licences; followed by DVLA periodic electronic checks determined by risk posed by the driver. These checks are made on the basis of driver consent which is renewed periodically.
- All drivers prior to driving council owned/leased vehicles on Council business will undergo a robust Driving Assessment, and any recommendation resulting will be implemented and documented.
- A register of successfully assessed drivers will be kept and only those drivers on this register will be authorised to drive council vehicles up to their assessed category.
- Following successful assessment, and licence check by the Insurance & Risk Management Department, the drivers details are entered onto the Authority's Drivers Register, and a drivers handbook is provided to Drivers with all relevant information given
- Work related driving activities are risk assessed with the objectives of reducing road traffic accidents to the lowest level reasonably practicable.

- Fleet Vehicles used in the course of Council activities are appropriately maintained and fit for purpose.
- Arrangements are put in place to ensure the reporting, recording and investigating of all accidents and incidents from work related driving. This will include the use of vehicle management systems as appropriate (eg: vehicle tracking systems, vehicle camera systems, digital tachographs, etc). The use of such systems will be in accordance with the Vehicle Management Systems Privacy Impact Assessment.
- Adequate arrangements are in place to identify and implement remedial actions following road traffic accidents.
- Arrangements are in place to ensure that all documents supporting this policy are available to Chief Officers/Directors; Managers and Drivers.

In addition to these general aspects relating to the discharge of its duties, the Authority will pay particular attention to the use of vehicle tracking/CCTV & driver training.

Vehicle Management Information Systems (VMI Systems)

The Authority utilises Vehicle Management Information Systems (including: Tracking systems, External 360 degree camera systems, digital tachographs, etc.) within its fleet. These are installed to provide vehicle security and location identification; vehicle management information and utilisation. These systems can assist in maintaining and monitoring safety, protection of drivers from claims and improved efficiencies within respective departments, VMI systems usage will be in accordance with the VMI Systems Privacy Impact Assessment (attached at Appendix 2) and access to data from VMI Systems will need to be requested via completion of the VMI authorisation form (attached at appendix 3). This form requires a strict authorisation process before VMI systems data can be accessed. In the event of technological changes, market development of alternative VMI systems, requests to use additional VMI systems by insurers, VOSA, HSE, etc then further consultation with the relevant Trade Unions will be undertaken and the Privacy Impact Assessment (PIA) updated accordingly. However there are particular circumstances where technology is used to ensure a service is delivered. In areas where technology is used to deliver a service, such as winter maintenance and flooding response/gully inventory, there is a need to monitor the technology to ensure that it is working safely, appropriately and recording the required data (examples of this technology include monitoring the consistency of salt spreading in winter maintenance operations). This is essential management information that can be crucial to allow urgent responses during emergencies such as winter

maintenance and flooding. Access to this information ensures protection for the employee to ensure that they can be located for safety reasons and also assists in allocating the most appropriate resource at times of emergency for speed of response. It also allows officers to ensure that the technology utilised in the cabs is working appropriately in assisting staff deliver the service. It is therefore essential the allocated managers are provided access to this information as and when necessary to assist and monitor service delivery. This access will not to be used to routinely monitor and track staff.

Driver Training

All drivers prior to being included on the Driver's Register will undertake a full comprehensive driving assessment. During this assessment a Risk Level is added to each driver. This is based on any disciplinary penalties relevant to their driving licence, disclosed medical conditions and driving style at the time of the assessment.

Where drivers are deemed to be high risk, they will not be added to the Driver's Register until further Driver Training has been completed, and the corporately appointed Driver / Trainer Assessor is satisfied that the level of driving is of a sufficient standard to be added to the Drivers Register.

Drivers who drive vehicles in excess of 3.5 Tonne GVW are required to undertake legislative Driver CPC Training. Drivers who do not hold a valid Driver CPC Qualification Card are not permitted to drive vehicles over 3.5 tonne GVW. In addition, Tool Box ("on the job" talks/advice) Talks are provided to drivers by individual departments (where service needs deem this necessary) and by the Fleet Manager / Driver Trainer-Assessor where areas of concerns are identified.

6.0. Key Organisational Responsibilities for this policy

6.1. Chief Executive / Risk and Insurance Manager

The Chief Executive along with the Risk and Insurance Manager has overall responsibility for ensuring that:

- The Occupational Road Risk Policy will be implemented corporately with the responsibility for the implementation within each service delegated to the appropriate Director / Head of Service.
- Adequate resources are made available to ensure the Occupational Road Risk Policy is implemented effectively

- Periodic reviews of Safety performance are completed and results are used to highlight specific areas that require improvement.
- A register of authorised vehicle users is kept up to date.
- A Privacy Impact Assessment (PIA) is developed with assistance from the Council's Senior Information Risk Owner (SIRO) to cover any privacy impacts of this policy. The PIA must be updated when new uses of personal data are considered, and recommendations properly carried out.

6.2. Directors / Heads of Service

Directors and Heads of Service are responsible for ensuring that the standards contained in the Occupational Road Risk Policy and supporting documents are implemented effectively. In so doing they will ensure

- Managers are fully aware of their roles and responsibilities in managing occupational road risk;
- Adequate resources are made available to ensure that the Occupational Road Risk Policy is implemented effectively
- Heads of Service, as Information Asset Owners, will assure the SIRO in regular Information Risk Returns that any privacy impacts of this policy are properly addressed.

6.3. Fleet Manager

The Council's Fleet Manager has responsibility to ensure

- The procurement of an appropriate fit for purpose fleet of vehicle
- Compliance with the Authority's Operators' Licence and other legislative requirements associated with the Fleet of Vehicles.
- Management Systems, Drivers Handbook and other legislative information are provided to Drivers following successful assessment.
- Drivers are provided with sufficient information; instruction and training on procedures established to minimise risk associated with work related driving activities.
- Necessary checks on documentation (electronic or paper based), depending on risk, are undertaken for all employees who undertake work related driving (NB: This does not apply to the "Grey" fleet).
- Employees report medical conditions, which affect their ability to drive to the Driver and Vehicle Licensing Agency (DVLA) and their line manager.

- A register of fleet vehicles is kept up to date.
- Heads of Service are notified of any road traffic offences that the Fleet Manager is made aware of.
- Evidence consideration of privacy impacts of any additional technology/functions procured to support this policy, with advice from Exemption Panel if needed.

6.4. Operational Managers

Operational Managers have a responsibility for ensuring the Health and Safety of their employees and will ensure:

- Appropriate Health and Safety Management arrangements are implemented within their own area of the control in managing occupational road risk.
- That the health & safety arrangements comply with the occupational road risk policy and other associated documents
- Work related driving risks to employees and others are identified, assessed and recorded and that suitable controls to reduce or eliminate risk are implemented.
- Employees are provided with sufficient information; instruction; training and supervision on procedures established to minimise risk associated with work related driving activities.
- Employees are referred to Occupational Health and/or HR for advice on fitness for work when a driver declares a Health Problem.
- All accidents and incidents concerned with work related driving activities are reported, recorded, investigated and monitored in accordance with the Council's policies to ensure that health and safety arrangements remain relevant and effective and that appropriate support is provided to any employee who has been involved in and/or injured in a work related driving incident.
- Thorough investigations are carried out immediately following notification from the employee that they have been involved in any road traffic accident or the commitment of any road traffic offence. This investigation will be carried out in accordance with the Authority's Disciplinary Policy/Procedure. The Service Manager will notify the Fleet Manager of the investigatory process and outcome of the investigation to enable effective liaison with the Traffic Commissioner /VOSA in the event that the regulatory body requests the relevant information.. Employees have been

instructed to report medical conditions, which affect their ability to drive to the Driver and Vehicle Licensing Agency (DVLA)

- That their employee Road Safety Performance is included in their Personal Development Review (PDR) where driving is a core part of their activity.
- That their employees are listed on the Drivers Register and are therefore authorised to drive council vehicles.

6.5. Employees

All employees have a responsibility to ensure:

- They follow the procedures and arrangements established by Management to ensure their Health and safety whilst undertaking work related driving.
- They participate in any instruction or training required to ensure they are driving safely at all times
- Any unsafe situations, areas of concern or health issues affecting their abilities to undertake their driving activities are brought to the attention of their manager.
- They give due consideration to their own safety and that of others who may be affected when they undertake work related driving activities by undertaking dynamic route risk assessments.
- They comply with the requirements of the Highway Code and any other associated legislation.
- They report any accidents, incidents or offences that occur when undertaking work related driving activities to their manager immediately, or as soon as reasonably practicable following the accident, incident or offence.
- They report any offences outside work which may affect their ability to drive in work.
- They participate in any investigation following a work related driving accident/incident in which they have been involved.
- They sign an authorisation mandate allowing the authority to check their licence electronically with the DLVA Database (subject to periodic renewal). They also submit on request a copy of their full driving licence for inspection.
- All items carried on vehicles are adequately and safely secured using the correct tools and/or strapping.

- All Driver's should be aware of their obligations when driving a Council Owned/Operated Vehicle. They should also be aware that any additional working activities outside of the Authority could impact upon their ability to drive. It is therefore necessary that driver's keep adequate records of any working activities they undertake, and present to their line manager in order that they are aware of their full working activities. This is also a requirement of the Authority's Code of Conduct for Employees.

7.0. Appendices

Appendix 1: Drivers Handbook

Appendix 2: VMI Systems Privacy Impact Assessment (PIA)

Appendix 3: VMI Authorisation Form

Drivers' Handbook

An essential guide for employees 2016



Man gwyrddach i fyw, gweithio ac ymweld
A greener place to live, work and visit



Drivers' Handbook

HANDBOOK

An essential guide for employees

CONTENTS

PAGE

Part A - The Protocol

2

Part B - The Driver

6

Part C - The Vehicle

17

Part D - Operator's Licence

24

Part E - The Long Distance Journey

35

Index

39



Part A - The Protocol

VEHICLE SAFETY POLICY STATEMENT

Caerphilly County Borough Council takes very seriously its duty of care to its employees, the public and to others. It recognises it has the responsibility to provide, as far as it is practicable, for the safety of its employees and others who may be affected by the operation of its vehicles on council duties.

As a result the Council has put in place a policy to ensure that a consistent, co-ordinated standard is achieved to minimise accidents, and therefore the risks to employees and public alike.

The Council has a policy of nil accident involvement. The Council's philosophy is that accidents are preventable and all risks can be contained. Managers and employees are responsible for the safe use of vehicles, the safety of fellow employees and the safety of the general public and their property.

THE COUNCIL'S PROTOCOL ON MONITORING OCCUPATIONAL ROAD RISK

Caerphilly council makes every effort to monitor and reduce Road Risk.

This is done by undertaking Road Risk Assessments on journeys that are undertaken on a continuous basis, example, Collection of Domestic Refuse / Recyclable Items. Drivers are advised of the Route they are to take and must not deviate from that route unless under exceptional circumstances.

Also no employee is permitted to drive a Council Insured Vehicle unless they have undertaken and successfully complete a Driver Assessment. The Assessment will advise them of the type/size of vehicle they are permitted to drive.

If an employee is required to drive a vehicle that falls outside of the category they are permitted to drive, they must not do so, without undertaking a further assessment for the appropriate vehicle.



Part A - The Protocol

MANAGEMENT'S RESPONSIBILITY

Management recognised its responsibilities to its employees by endeavouring to ensure that safety is paramount by:-

- Provision of vehicles, machinery and plant adequate for the task to be performed;
- A safe system within which to operate the vehicle;
- Adequate vehicle maintenance and repair facilities;
- Prompt attention to all repairs, servicing etc required as a result of daily vehicle checks;
- Driver training on a group or individual basis as deemed necessary, following assessment of each driver, records, analysis, evaluation of accidents;
- In conjunction with the fleet risk working group, to take any action deemed necessary arising out of such evaluation.
- To properly utilise Vehicle Management Information (VMI) Systems.
- It is also anticipated that the Vehicle Management Information (VMI) System will be used by certain departments for planning and allocating workloads.

It is anticipated that there will be regular reports produced and supplied service managers. Examples of these are indicated below:-

- Idling Reporting
- Vehicle Used Out of Hours
- Vehicles used outside the county Borough
- Speeding Reports – in excess of 70mph
- Vehicles Not Used

HANDBOOK

Driver monitoring reports will be used on a regular basis to identify any training needs. These could include harsh braking; heavy acceleration, poor cornering, accidents and excessive fuel usage. These examples are not exhaustive and give an idea of the type of VMI reports that can be generated.

DRIVER'S RESPONSIBILITY

Driver's also have a responsibility for the vehicle in which they are driving, the main responsibilities are:-

- To hold a valid full driving licence for the class of vehicle being driven;
- To receive approved training in driving/operating the vehicle under conditions in that they are likely to be driven/operated;
- To know what their responsibilities are;
- Not to drive for longer periods than legislated;
- To comply with the law at all times, not to drive whilst under the influence of DRINK or drugs;
- To show courtesy and respect to other users of the road;
- To take care of their vehicle;
- To carry out all daily maintenance checks and complete the daily defect report and log sheets;
- To report all accidents and damage;
- To report any driving convictions whether on private or council business.



Part B - The Driver

LICENSING AND ASSESSMENTS

As a driver you are personally responsible for ensuring you only drive vehicles that you are licensed to drive, and that you do not drive any vehicle that falls outside the scope of the in-house Driving Assessment you have undertaken. Should you be required to drive a vehicle that falls outside the scope of your assessment, your supervisor/section head must arrange additional assessments on your behalf.

DRIVING LICENCE CHECKS

You will be required to provide a copy of your driver's licence for inspection, and give consent for the Council to undertake checks via the DVLA on your driving record which can be checked as and when necessary, but at a minimum of a yearly interval. This check could be undertaken by the Fleet Manager, your line manager or any other designated person. The mandate signed authorising this check via the DVLA will remain valid for 2 years, whereby further mandates will be forwarded to you for your authorisation. Failure to sign the mandate for the DVLA will result in you being removed from the Driver's Register.

USE OF VEHICLES

The vehicle that has been allocated to you is for use on Council Business Only. The private use of Council owned, hired, leased or demonstration vehicles are not permitted under any circumstances whatsoever.

HANDBOOK

PRIVATE CARS USED ON OFFICIAL JOURNEYS

You may be requested to use your private car on official council journey's (for which reimbursement will be made) in order to maintain service delivery. Driver's may without prejudice refuse such requests, but should you accept this request you must ensure you comply with the following conditions:-

- Appropriate business use on your car insurance;
- Your vehicle as a valid MOT Certificate;
- Your vehicle displays a valid VED Disc (Road Fund Licence Disk);
- Any necessary mileage incurred, will be paid for at the rate authorised by Caerphilly County Borough Council. Claims for reimbursement should be submitted as soon as possible following the end of the claim period.

TRANSPORTATION OF HAZARDOUS SUBSTANCES

Whilst on a small scale, the Council carries a number of substances that could be hazardous such as poisons; cleaning materials, gases, fuels, etc.

It is the responsibility of the Driver to ensure that he/she is aware of the items they are carrying along with the SYPOL Assessment or the appropriate safety data sheet that is available with the substance.



Part B - The Driver



Eyesight

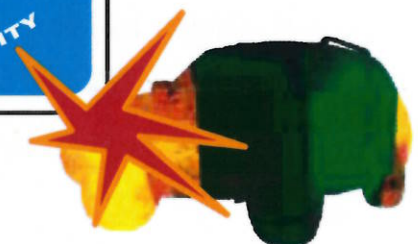
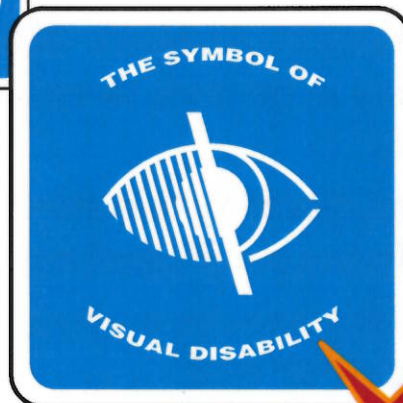
It is a requirement that you are able to read a new style number plate from a distance of 20.5 metres (66 feet). This can be done via the use of glasses or contact lenses, however, should you need glasses or contact lenses to read number plate, they must be worn at all times when driving.



Medical Conditions

If you have been diagnosed with a medical condition, or have a medical condition that has become worse since your licence was issued, you have a legal obligation to notify the **DVLA Medical Unit, DVLA, Swansea SA99 1TU.**

Failure to do so is a criminal offence and punishable by a fine up to £1,000. You also have a duty to inform your line manager of any condition that may affect your driving ability.



HANDBOOK

You must inform the DVLA if you suffer or have suffered any of the following conditions:-

- Epilepsy (seizure or fits);
- Sudden attacks of disabling giddiness, fainting or blackouts
Severe mental handicap;
- Diabetes (controlled by insulin, tablets or diet);
- Angina or any heart condition, heart attack or heart surgery;
- Parkinson Disease;
- Any other chronic neurological conditions, e.g. multiple sclerosis, motor neurone disease;
- A serious problem with memory, episodes of confusion;
- Stroke (both major and minor);
- Any type of brain surgery or brain tumour;
- Severe head injury involving in-patient treatment at hospital;
- Narcolepsy/sleep apnoea;
- Any severe psychiatric illness or mental disorder, including depression;
- Continuing permanent difficulty in the use of your arms or legs which affects your ability to control a vehicle;
- Dependence on or misuse of alcohol, illicit drugs or chemical substances in the past three years (excluding drink/driving offences);
- Any visual disability that affects both eyes (excluding short/long sight or colour blindness);
- Sight in only one eye or any visual problems affecting either eye;
- Removal of cataracts.



Part B - The Driver

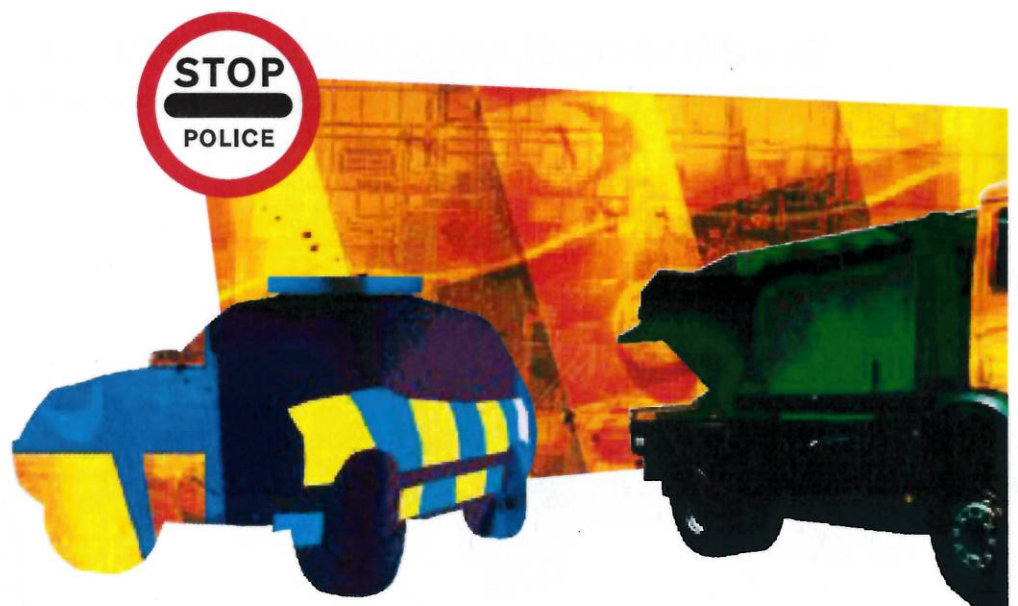
REPORTING OF ACCIDENTS

It is important that all accidents are reported, whether an injury has occurred or not.

Accident to staff - these accidents should be reported to line manager/supervisor or your office by telephone as soon as possible following the accident.

Accident to clients – if accidents occur whilst client is on, is boarding or alighting from a vehicle or is being conveyed to or from the vehicle by means of vehicle equipment, e.g. carrying chair, your line manager/supervisor or office should be informed by telephone as soon as possible.

Accident to vehicle equipment – this should be reported to your line manager/supervisor by telephone as soon as possible and brief details be included on your daily defect sheet.



HANDBOOK

Reporting of Road Traffic Accidents – in all instances where one of the Council's vehicles is involved in an accident whereby:-

- any person or animal is injured;
- any vehicle is damaged;
- any property is damaged.

In all instances, the driver must stop at the scene of the accident. The driver must fully complete the Motor Accident Card and give to any police officer or other person having reasonable grounds to ask for it:-

- his / her name and address;
- registration number of the vehicle;
- certificate of insurance number.

This is available from the

Fleet Management Section (01443) 873721

Risk Management Section (01443) 863259

The driver must not admit liability for an accident, but the police must be given reasonable assistance.



Part B - The Driver



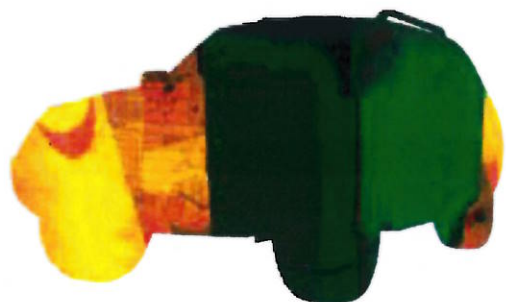
THE DRIVER MUST –

- If any person is injured and the police did not attend, report it to the police within 24 hours;
- Notify line manager / supervisor or deputy the same day of the following morning in out of hours;
- Complete a motor incident form within 24 hours of the accident (these forms are available through their line manager or from Risk Management Section at Tŷ Penallta);
- Complete the accident assessment form with supervisor and pass to Insurance Section within 48 hours of the accident.

When completing the form, particular attention should be paid to –

Sketch plan of the scene of an accident should be as clear and as fully documented as possible to include:

- width of road;
- position of vehicles involved and of any traffic;
- any skid marks;
- position of traffic signs, islands, turnings etc. in the vicinity;
- full details of names, addresses of the owners and details of the visual damage to all vehicles or property involved;



- Name, addresses, and vehicle details of all other parties involved;
- Names and address of all witnesses inserted on form;
- Names and addresses of all injured persons inserted on form;
- Injuries to be clearly identified, i.e. it is not sufficient to state under the column for injuries “bruised knee” – it must be identified as “bruised right knee”; “bruised left knee” as appropriate;
- Name and number of any police officer present.



PROSECUTIONS OR INTENDED PROSECUTIONS

Should a Notice of Intended Prosecution be received with regards to any motoring offence that occur in a Council owned vehicle, it is the responsibility of the driver concerned to complete and return all documentation within the required time. Any fines, penalties etc. will be the responsibility of the driver concerned.

It is also the responsibility of the driver to notify the Fleet Management Section of any pending prosecutions that occur whilst driving their private vehicles that will impact upon the legality of their driver's licence.



Part B - The Driver



ALCOHOL, DRUGS AND MEDICATION

All employees who drive as part of their work have a duty to ensure that they are fit to drive and are not:-

Under the influence of alcohol, irrespective of quantity - there is no failsafe guide as to how much a person can drink and remain under the national legal limit, the type and amount an individual consumes, along with your body weight, gender, age and metabolism, will affect your ability to drive.



Under the influence of drugs, illegal or recreational; or taking any prescribed medication that could impair their ability to safely drive a vehicle - driving whilst unfit through the misuse of drugs (illegal, recreational or prescribed) is illegal. It affects your judgement, co-ordination and ability to safely control a vehicle.

Should any employee have any doubt as to their fitness to drive they must consult their line manager immediately. Please refer to Section 6 and 7 the Authority's Corporate Policy on Substance Misuse.





MOBILE PHONES

New legislation, introduced on 1 December 2003, makes it illegal to use a hand held mobile phone whilst driving.

The Corporate Policy of Caerphilly County Borough Council is that employees of the authority will:-

- Ensure that if they use a mobile phone for work purposes that they do so in accordance with the Council's policy on "Mobile Phones and Driving;"
- Only use a hands free kit when safe to do so, as they can be distracting, to contact an employee / driver via mobile phone only if a matter of urgency and to keep the length of the call as short as possible;
- Understand that they must have control of their vehicles at all times, and can be prosecuted for careless, inconsiderate or dangerous driving. If using a phone or other device (even if hands-free) causes them to drive this way. Penalties for these offences include £60 fixed penalty plus 3 penalty points on your Driving Licence or up to £1000 on conviction in court (£2,500 for driver's of goods vehicles, buses or coaches).

***Drivers still RISK PROSECUTION
(for failure to have proper control)
if they use hand-free phones when driving.***



Part B - The Driver



SMOKING

April 2, 2007 saw the introduction of the "Smoke Free Premises Regulations". The Authorities "No Smoking Policy" also supports this Regulation. The Regulation and Policy does not only relate to premises, but also Council Owned or Operated Vehicle. Any driver found to be Smoking in a Council Owned or Operated Vehicle, may be faced with a Fixed Penalty Fine of £50.00.

SECURITY OF VEHICLE

It is the driver's responsibility to ensure the security of the vehicle and its contents. The driver must not, under any circumstances leave the keys in the vehicle whilst he/she is away from the vehicle.


DRIVER CPC

Drivers that use their vocational driving licence for driving vehicles in excess of 3.5T will be required to ensure they have a Driver CPC qualification or must have completed 35 hours periodic training before the 11th September, 2014. Following this date, drivers must ensure they undertake a continuous 35 hours training over a 5 year period.

Drivers are **NOT PERMITTED** to smoke whilst in a Council Owned/ Operated Vehicle.



VEHICLE CHECKS



It is a legal requirement to ensure that the vehicle you take onto the road is in a fit and roadworthy condition, and as the driver is fully responsible for its condition and suitability whilst on the road, it is in your interest that all safety checks are undertaken and that your vehicle is fit and legal to be on the road.

It is the Driver's Legal Responsibility to undertake a safety check at the start of the day, before the vehicle is used. Drivers that will use more than one vehicle in a working day should personally check all vehicles they use.

Depending on the type of vehicle an individual drives, will depend on the daily defect report they must complete, however, standard in all of these reports, are safety aspects of the vehicle, such as:-

- Lights & Reflectors;
- Tyres & wheel nuts;
- Horn;
- Mirrors ;
- Brakes;
- Windscreen and wipers;
- Loads and ancillary equipment;
- First Aid Kit (if applicable).

Part C - The Vehicle



VEHICLE CHECKS (continued)

Other items will be included on your daily defect reporting form, and these will vary from vehicle to vehicle – you must be provided with the correct defect Reporting Form for the vehicle that you drive.

SEAT BELTS

Seat Belts if fitted must be worn at all times when the vehicle is in operation. Drivers of Passenger Carrying Vehicles must ensure that all clients (including those in wheelchairs) and colleagues use the seat/safety harnesses provided. Clients who refuse to be strapped in after having matters explained to them must not be conveyed unless they are in possession of a medical exemption certificate, or we are in a possession of a signed indemnity - any client who refuses to use the seat/safety harness must be reported to your line manager/supervisor who will ensure that the matter is resolved. Defects in, or shortages of, seat/safety harnesses must be reported immediately to line manager/supervisor or office.

THEFT OF AND FROM VEHICLES

The theft of a Council Vehicle whether it is owned, hired or leased must be reported to the Police, the Insurance and Risk Management Section and Fleet Management immediately. Personal belongings to include personal work equipment are not covered under the Council's Motor Insurance Policy.

The contents, load and security of the vehicle is the responsibility of the Driver.

NOTICE
Vehicles and
contents are left
here entirely at
owners risk



DAMAGE AND ABUSE TO VEHICLES

Thousands of pounds are being spent each year on vehicle repairs arising from driver/user abuse e.g. Poor driving techniques, van doors allowed to fly open distorting surrounds, doors slammed shut with knees etc. Please ensure that your vehicle is not subjected to this kind of abuse.

Damage or abuse may also be caused to vehicles caused by improper driving and use of vehicle and failure to carry out vehicle checks. Such actions may be considered to be a disciplinary offence. Any damage/defects found to vehicles must be reported to your line manager and the Fleet Management Section in order that they can arrange for appropriate repairs to be undertaken.



CARRYING OF LOADS ON VEHICLES

Drivers are responsible for the loading and unloading of vehicles that they drive. It is the driver's responsibility to ensure that a vehicle is correctly loaded and within its legal carrying capacity. It is also the driver's responsibility to ensure that a load is properly secured at the start and during the journey.

Should the driver notice that the load he is carrying appears insecure, then he/she should find a safe place to stop the vehicle and check and re-secure the load if necessary.



Part C - The Vehicle



LOADING

The law requires a load to be arranged so that there is no danger or nuisance or the likelihood of danger or nuisance either to those on the vehicle or on the road.

- Nevertheless, a number of serious accidents are caused annually because loads have not been adequately secured. The driver should ensure that the vehicle is loaded/unloaded safely so there is no risk to themselves or any other persons in the area where the load is being handled;
- the load should be stable before being lashed and spread to keep the centre of gravity as low as possible;
- heavy items should be carried along the centre of the vehicle, and in front of lighter items. Heavy items should be placed at the bottom if the load is stacked;
- care must be taken when loading a vehicle to see that the load is evenly distributed;
- particular care must be taken to avoid axle overloading, for this can happen even though the gross weight is not exceeded. Changes in distribution of the load en route may cause an axle overload unless the load is re-distributed;
- ropes, chains and other lashings used to secure the load should be checked before use and should be suitable for the job.



Load sheets are intended to protect the load from the weather and not to secure it to the vehicle.

Projecting load requirements are defined as follows: -

- a forward projection exceeding 2 metres but not exceeding 3.5 metres, an attendant must be available in addition to the driver, and the load must be fitted with a special marker which must be illuminated at night;
- a rearward projection exceeding 1 metre but not exceeding 2 metres, the load must be rendered clearly visible. A red lamp clearly visible from a distance, if a lamp isn't available anything red but it must be clearly visible;
- a rearward projection exceeding 2 metres but not exceeding 3.5 metres, the load must be fitted with a special marker and illuminated at night;
- a forward or rearward projection exceeding 3.5 metres, an attendant must be available in addition to the driver and prior notice must also be given to the chief constable for the areas through which the vehicle is to travel;
- side projections of load must not exceed 305 mm on either side of a vehicle or trailer and the overall width of the vehicle and its load must not exceed 2.9m. Where loads exceed 2.9m the following requirements must be observed:-

2.9m to 3.5m - Police notification and marker boards.

3.5m To 4.3m - Police notification, marker boards and attendant.

**Police notification required
2 days in advance of movement.**



Part C - The Vehicle

TRAILERS

Should a driver be required to drive a vehicle whilst towing a trailer, it is important that you have the correct class of driving licence to allow them to do so.

- drivers must ensure when towing trailers that the trailer board is securely attached with lights working correctly. Drivers must also have the correct class of licence to allow him/her to tow trailer, and ensure they don't exceed the gross train weight of the vehicle;
- When coupling /uncoupling trailers, it is important to ensure that all brakes are applied and that the hitch support leg/ wheel is in position prior to removing the pin. A breakaway cable must always be fitted between the trailer and the towing vehicle;
- The laden weight of the trailer must not exceed the manufacturers plated weight for the trailer.

If in doubt, contact your supervisor, or a member of staff from the Fleet Management Section who will be able to advise you.



HANDBOOK

USING A PRIVATELY OWNED VEHICLE ON COUNCIL BUSINESS

You may be requested to use your private car on official council journey's (for which reimbursement will be made) in order to maintain service delivery. Driver's may without prejudice refuse such requests, but should you accept this request it is the driver's responsibility to ensure you comply with the following conditions:-

- Appropriate Business Use on your Car Insurance;
- Your vehicle has a valid MOT Certificate;
- Your vehicle displays a valid VED Disc (Road Fund Licence Disk);
- Your vehicle is Legal and fit to be driven on a public highway.



Part D - Operator's Licence

OPERATOR'S LICENCE

This Authority has been granted an Operator's Licence ('O' Licence) to operate its fleet of vehicles, including those used on Council Business not directly owned by the Council, but leased or hired in from other sources. The Operator's Licence applies to all vehicles that have a Gross Vehicle Weight in excess of 3500 Kgs.

The Operator's Licence has numerous conditions attached to it, and failure to comply with these conditions may result in the Authority being taken to a Public Enquiry and a consequence of this, is that its Operator's Licence could be revoked. Should this occur, the authority would not be able to Operate vehicles in excess of 3500 Kgs, and this would have severe repercussions on the Front Line Services, it currently undertakes.



HANDBOOK

The undertakings of the Operator's Licence are, that the licence holder must make proper arrangements so that:-

- The rules on driver's hours and tachographs are observed and proper records kept;
- Motor Vehicles and trailers are not overloaded;
- Vehicles will operate within speed limits;
- Motor vehicles and trailers, including hired vehicles and trailers, are kept fit and serviceable;
- Drivers report promptly any defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers, and that any defects are promptly recorded in writing;
- Records are kept (for 15 months) of all driver defect reports, all safety inspections, routine maintenance and repairs to vehicles and trailers and these are made available on request; *and*
- In respect of each operating centre specified, that the number of authorised motor vehicles and the number of authorised trailers kept there will not exceed the maximum numbers recorded against the operating centre in this licence.

Caerphilly County Borough Council cannot operate its vehicle without this licence. Any driver whose actions threaten the retention of the Operator's Licence may be subject to disciplinary action.



Part D - Operator's Licence

DRIVER'S HOURS (EUROPEAN)

European legislation lays down strict rules for driving hours and these are summarised below.

Maximum Driving before having a break of at least 45 minutes is 4.5 hours. Breaks can be split into two, the first a minimum of 15 minutes the second a minimum of 30 minutes. If a driver takes a break of 30 minutes as his first break, he will be required to take a further 30 minute break.

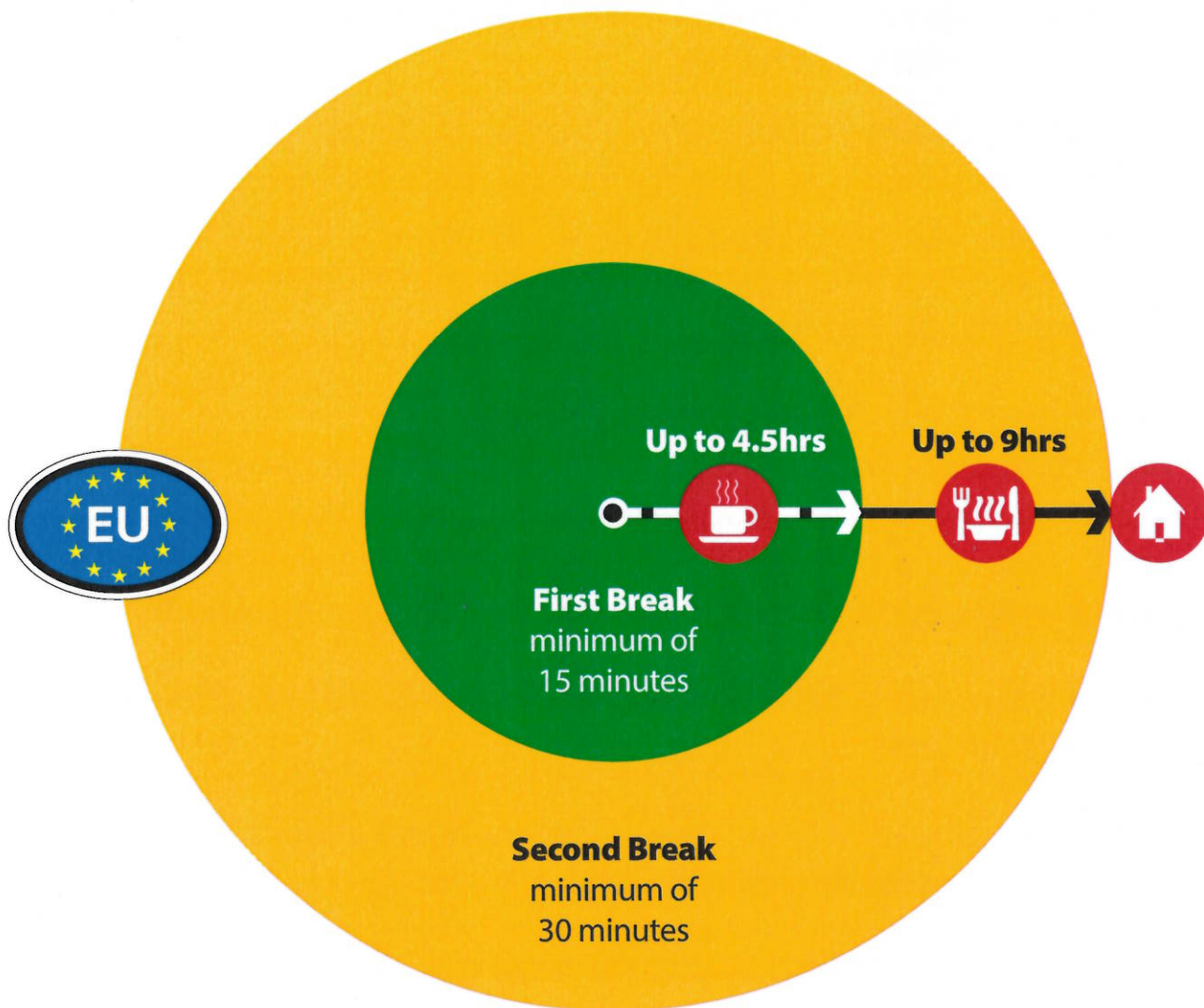
Maximum Daily Driving time is 9 hours.

This can be extended to 10 hours on not more than two occasions per week. The working time begins at any time of the day or night, and continues until there is a daily rest period. A driver must take a weekly rest period after no more than six daily driving periods.

- In any two consecutive working weeks, the maximum driving time is 90 hours;
- In any period of 24 hours, the driver must take a daily rest of at least 11 consecutive hours;
- A driver may reduce this on up to three occasions in any one week to 9 consecutive hours;
- During each week a daily rest period must be extended into a weekly rest period which must total 45 consecutive hours.

HANDBOOK

MAXIMUM DAILY DRIVING TIME (EU)



Part D - Operator's Licence

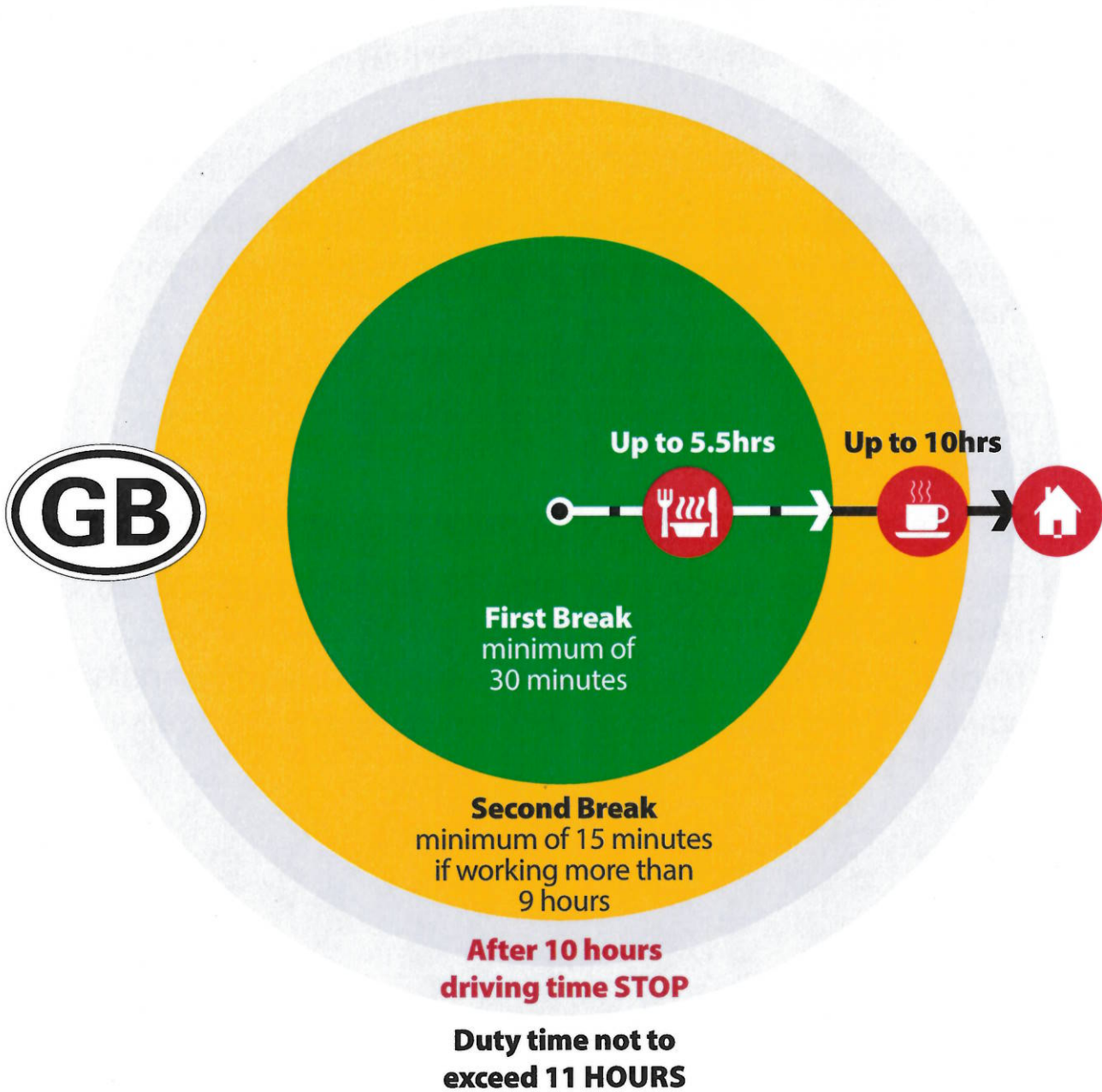
DRIVING HOURS (DOMESTIC)

- Driver's should not exceed the Daily Driving Limit of 10 hours max;
- Driver's should not exceed the Daily Duty Limit of 11 hours max;
- A driver is exempt from the Daily Duty Limit on Non Driving Days. This also applies to a driver who does not drive for more than 4 hours on each day of the week;
- Driving time is spent at the controls of the vehicle for the purpose of controlling its movement whether it is in motion or not;
- The Domestic week is between 00:00 Monday to 24:00 Sunday;
- The Working Time Regulations requires that a break **MUST BE TAKEN AFTER A MAXIMUM OF SIX HOURS DUTY TIME.** Thirty minutes is required if working time is between six and nine hours, and 45 minutes if total working time exceeds 9 hours.



HANDBOOK

MAXIMUM DAILY DRIVING TIME (UK)



Part D - Operator's Licence

TACHOGRAPHS

A tachograph is a dual function instrument that provides information to the driver in his cab and, simultaneously makes recordings of driver and vehicle activity.

DRIVER'S RESPONSIBILITIES

Use tachograph record sheet every day on which he/ she is driving, starting from the moment he takes over the vehicle. The record must not be withdrawn before the end of the daily working period unless authorised.



HANDBOOK

- Complete the written details on the centre field of the chart at the beginning and end of his duty period. Any changes of vehicle during the working day should also be noted;
- Operate the activity switches to record accurately his various work activities;
- Keep completed tachograph sheets for the current week, plus the 28 calendar days preceding the start of the current week;
- Produce at the request of any authorised inspecting officer, a record of his work;
- Ensure that the time clock is accurate and agrees with the official time;
- The driver must return all completed charts to their employer within 42 days;
- Where the driver has two or more employers during a week, the driver should notify each employer of the identity of the other. Each employer should provide the driver with blank charts but the driver should ensure ALL charts are returned to the employer that employed him first.



Part D - Operator's Licence

DIGITAL TACHOGRAPHS

Digital Tachographs came into place on 1st May, 2006. All vehicles registered after that date will be fitted with a new Digital Tachograph.

In order to use a vehicle with a Digital Tachograph, the Company must have Company Cards and the Driver must apply for a Driver's Card. There is a cost to this card, and these will be shown on the paperwork accompanying any application forms.

Once a Driver's Card is issued, it is a requirement that card is carried with the Driver even in the event of him having to use a vehicle with an analogue tachograph.

The legal requirement is that Driver's must download their card every 21 days although this authority is advising every 7 days for consistency purposes.

In the event of the Driver's card being lost the Driver must report the loss to the DVLA and will only be able to driver a vehicle for 15 days without a Driver's Card. The Driver will be required to collect the replacement Driver's Card from the nearest DVLA Licensing Office.





OVERLOADING

It is a requirement of our Operator's Licence that vehicles should not under any circumstances be overloaded, either on individual axles or on gross vehicle weight.

Under the Road Traffic Act, 1988 it is an offence to use a goods vehicle, or cause or permit it to be used when overloaded. The maximum fine that can be imposed is £5000. There is no statutory tolerance where gross or axle weights are exceeded, and although enforcement officers will exercise their judgement in the light of individual circumstances.

If a vehicle is so overloaded that its use involves a danger of injury to any person, for example, impairment of braking or steering performance, it is possible for both company and driver to be charged with more serious offence of using a vehicle in a dangerous condition. This carries the same maximum fine of £5000 together with additional penalties of obligatory licence endorsement and discretionary disqualification.

An overloaded vehicle can be a danger to the driver, passengers and other road users. If a vehicle is weighed by vosa, the police or trading standards and found to be overloaded on gross vehicle weight, axle weight or both, the company and/or driver risks prosecution.



Part D - Operator's Licence

SAFETY INSPECTIONS



It is a legal requirement that vehicles in excess of 3.5 tonne Gross Vehicle Weight have regular safety inspections as laid down in the condition of the Operator's Licence. In the case of Caerphilly County Borough Council this time scale is 6 weeks. Drivers should not drive a vehicle knowing that the vehicle has not undergone its routine Six Weekly Safety Inspections.

DEFECT REPORTING & KEEPING OF RECORDS

It is a requirement that the Driver of a Goods Vehicle completes prior to taking his vehicle out of its depot, a Daily Defect Check and Report on a vehicle. All defects must be reported on the appropriate defect sheet and any defects report to the Fleet Management Section, immediately these defects are found.

The Original Defect Report that highlights the defect must be forwarded to the Fleet Management Section, where staff will arrange for the defect to be rectified.

**STOP
AND
REPORT**

KEEPING OF RECORDS

All paperwork must be kept for a minimum kept in the vehicle file for a minimum period of 15 months. This includes records of safety inspections; defect reports and any repairs undertaken on a particular vehicle.

Tachographs - tachographs must be kept with the driver for the current day plus the previous 28 days, and then forwarded to the Fleet Manager who must keep these records for a period of 1 year.

Part E - The Long Distance Journey

PLANNING YOUR JOURNEY

Planning a journey is crucial to ensure that driver's arrive at their destination in a safe and refreshed manner. It may be that driving is not always the most appropriate method of reaching your destination, especially if it involved a considerable amount of mileage.

Other alternatives such as bus or train may be safer and less tiresome. If travelling by road is necessary, it may be prudent to consider car sharing, in order that driving may be shared and reduce to risk of tiredness.



Part E - The Long Distance Journey

PRE JOURNEY CHECKS

- Prior to commencing your journey, whether in your own private vehicle, or in a Council Owned vehicle, it is necessary to undertake the pre journey checks;
- Ensure your vehicle is fit for the journey. Checks should be undertaken on oil & water levels; tyres & tyre pressure; headlights and brake lights; seatbelts are all in good working order;
- Ensure that your vehicle has a valid MOT and Road Fund Licence Disc Displayed;
- That if you are using your private insurance, you have the appropriate Business Mileage cover. If driving a Council Owned Vehicle that you have undertaken the appropriate assessment for the vehicle you are about to drive.

DRIVING HOURS

Whilst driving hours is not legislated unless driving for more than 6 hours on business, it is good practice and recommended that employees should take a 15 minute break for every 2 hours of driving. It is advisable to plan breaks and break locations in advance of the journey.



HANDBOOK

YOUR SCHEDULE

If driving any distance, it is always advisable to schedule your journey to allow sufficient time for driver's to take account of weather and traffic conditions, also taking account of speed limits on your journey, and where possible avoiding peak time traffic. Time should be allowed to ensure that you reach your destination refreshed and in sufficient time for your meeting/ appointment.

When planning your journey consideration should be given to avoiding night driving, times of the day when falling asleep, poor concentration and lethargy is likely to occur.

OVERNIGHT STAYS

Should your journey include long distances to your place of work / meeting, it may be necessary to consider an overnight stay. If this is the case, discuss this with your line manager / Head of Service prior to commencing your journey, and obtain approval in advance.



Part E - The Long Distance Journey

ADVERSE WEATHER CONDITIONS

Should you experience adverse weather conditions, for example, high winds, severe rainfall and flooding; fog; ice or snow) where possible the journey should be re-arranged or undertaken at a later date or when weather conditions improve.

Should weather conditions deteriorate when you are at the place of work / appointment, it may be necessary to postpone your return journey. Driver's should consult with their line manager / Head of Service who may advise and authorise an overnight stay in this event.

COMMON SENSE

All driver's have varying levels of ability and confidence, and you as a driver knows your limitation with regard to driving long distances, through rush hour traffic and in varying weather conditions, you will know whether you are comfortable when undertaking a particular journey or driving a particular vehicle -

REMEMBER, IF IN DOUBT - DON'T



PART A - THE PROTOCOL	02
Vehicle Safety Policy Statement	2
The Council's Protocol on Monitoring Occupation Road Risk	3
Managements Responsibility	4
Driver's Responsibility	5
PART B - THE DRIVER	06
Licenses and Assessment	6
Driving Licence Checks	6
Use of Vehicle	6
Private Cars on Official Journeys	7
Transportation of Hazardous Substances	7
Eyesight	8
Medical Conditions	8
Reporting of Accidents	10
Prosecutions or Intended Prosecutions	13
Alcohol, Drugs and Medication	14
Mobile Phones and other communication devices	15
Smoking	16
Security of Vehicle	16
Driver CPC	16
PART C - THE VEHICLE	17
Vehicle Checks	17
Seat Belts	18
Theft of and from Vehicles	18
Damage and Abuse of Vehicles	19
Carrying of Loads on Vehicles	19
Loading	20
Trailers	22
Using a Privately Owned Vehicle on Council Business	23



PART D - OPERATOR'S LICENCE	24
Terms and Conditions of the Operator's Licence	24
Driver's Hour's (European)	26
Driver's Hour's (Domestic)	28
Tachographs	30
Digital Tachographs	32
Overloading	33
Safety Inspections	34
Defect Reporting	34
Keeping of Records	34
PART E - THE LONG DISTANCE JOURNEY	35
Planning your Journey	35
Pre Journey Checks	36
Driving Hours	36
Driving Schedule	37
Overnight Stays	37
Adverse Conditions	38
Common Sense	38



Caerphilly County Borough Council

Privacy Impact Assessment Vehicle Management information Systems

Date:	January 2017
Author/s:	Bev Griffiths (Information Officer), Joanne Jones (CIG Manager).
Consultee/s:	As documented.
Review frequency:	Every 2 years
Next review date:	January 2019
Reference no:	15/0946



Contents

Step 1: Why is a PIA required?	3
Step 2: Identify privacy risks and solutions	6
Step 3: Consultations	12
Step 4: Data Protection Review	13
Step 5: Approval of PIA outcomes	14
Step 6: Integration of PIA outcomes into project plan	14
Annex to Step 4: Evidence all risks have been addressed	15

Step 1: Why is a PIA required?

Background

As outlined in draft Occupational Road Risk Policy the government has set a target to reduce road traffic accidents by 2020, and part of this initiative is aimed at people who drive council owned/leased vehicles as part of their work. The public sector is also facing financial pressure, and it is vital that the Council finds ways of saving money and working more efficiently.

Arrangements are proposed to ensure the reporting, recording and investigating of all accidents and incidents from work related driving. In addition the Authority needs to ensure that its vehicles are used safely, efficiently and effectively. Consequently, the Authority will install and utilise Vehicle Management Information (VMI) systems to its vehicle fleet which will be the subject of specific policies covering their use. Clearly there is a privacy element to use of these systems therefore a Privacy Impact Assessment is required taking account of the ICO's Employment Practices Code, existing privacy laws and looking ahead to the 'privacy-by-design' aspect of new data protection legislation which will apply in May 2018.

VMI systems may include:-

- Vehicle Tracking Devices;
- CCTV/external Vehicle Camera Systems;
- Digital Tachographs.

(This list is not exhaustive).

These systems also have essential benefits in protecting employee safety, protecting the security of the vehicle fleet and defending illegitimate claims against the Authority as well as helping to ensure the Council can comply with its duties under S172 of the Road Traffic Act and the Health and Safety at Work Act.

Proposed use of VMI systems

VMI systems will be installed within the Council's fleet of vehicles to provide vehicle security and location identification; vehicle management information and utilisation; and information about driver behaviour. The systems may comprise:

- Digital tachographs on specific vehicles (a legislative requirement)
- 360 degree cameras on specific vehicles to record activity of other vehicles, and correct operation of the council vehicle by staff (e.g. no double-loading, using a banksman while reversing, etc).
- Vehicle tracker to determine where and how the vehicle is driven using GPS
- Specific service delivery technologies eg: salt spread monitoring.

It is anticipated that over time, the introduction of the VMI systems will:

- Provide more protection for employees and teams, by helping to pinpoint any incident to the emergency services.
- Help identify the nearest appropriate resource to deal with service requests, emergency situations. improving the service provided to the public
- Assist with optimising service delivery routes with regards to regular and one off demands, with added benefits in terms of reduced fuel consumption, reduced vehicle emissions and improved efficiency of vehicle usage.
- Help with developing a system to allow works orders to be transmitted to and from vehicles and improve two way communications between depots and work locations
- Facilitate the recording of certain specific information in relation to key performance indicators, such as gully cleansing, street sweeping, gritting and assist with monitoring of in-service vehicle utilisation.
- Protect the authority against false insurance claims
- Mitigate the requirement for daily log sheets for non Operator's Licence Vehicles.
- Assist with the recovering of stolen vehicles and supporting evidence in the event of a road traffic incident.
- Assist in the managing of Key Performance Indicators and Statutory Targets that are imposed upon the authority e.g. carbon reduction
- Positively monitor driver behaviour to assist in the development of a training programme that could improve driving skills, which would subsequently result in an overall reduction in costs and improved vehicle safety and efficiency.
- Assist with the development and administration of route risk assessments.
- Increase protection to the lone worker in that it will respond to potential emergency situations by allowing the lone worker to press a panic button to call for help.
- Information gathered by VMI systems will assist in the day-to-day, effective management of Council services. The information may also assist in the application of the range of HR policies which are used to assist in the effective management of the Authority's multiple staff groups.
- The system may be used to allow deliveries of material or equipment to the skilled workforce to be improved, thereby reducing wasteful travelling time and optimizing use of resources.
- Systems can be developed to identify the nearest appropriate resources in the event of an emergency or developing situation.
- The system can be used to identify waste and uneconomical use of transport resources in order to reduce costs.
- A system may be developed that allows work to be transmitted to and from vehicles electronically improving productivity through reducing unnecessary downtime
- The system may provide for safe & legal two-way communication between base and the remote work location.

Generally Council vehicles are only used for Council business. However, this may include the use of an authority vehicle out of hours when overtime is authorised, or the vehicle is being used for stand by, call out or emergency activities. Monitoring should only take place when a vehicle is being used for Council business. If monitoring evidences that a vehicle is used outside work hours for non-Council business, appropriate action may be taken.

All employees will be made aware of the use of VMI systems and no information will be recorded without their knowledge i.e. the system will not be used for covert surveillance.

Information flows

The proposed uses of the vehicle tracking system are documented above, and give a picture of the information flows. In addition:

The system allows data regarding the position and in some cases the application of each vehicle to be determined, captured, relayed and securely stored within the Fleet Management Service. This data is collected on a 24 hour, 7 day week basis.

Data will only be accessed by the duly appointed posts after completion and authorisation of the VMI authorisation form, and will only be accessed at a central point within the Council's offices.

Data will be overwritten after 30 days, but data that requires retention due to an incident will be (securely) stored for the required length of time according to the purpose, as outlined in the Council's Records Retention and Disposal Policy. No access to the system will be granted to unauthorised staff.

Data retained in the system will only be made available by the Fleet Manager for audit and council business purposes on receipt of an authorised Request for Information (completed VMI authorisation form) from an authorised Insurance or Risk Management Officer/ Manager/ Head of Service/ Head Of HR/ Director. Where necessary the Authority's Exemption Panel will be consulted.

It is anticipated that there will be regular reports produced and supplied to service managers, an example of these reports are indicated below:

- Idling Reporting
- Vehicles Used Out of Hours
- Vehicles Used Outside the County Borough
- Speeding Reports – in excess of 70 mph
- Vehicles not used

These reports will also be used to communicate any positive aspects to employees and to identify any training needs which will benefit drivers and other employees as well as the Authority in the long term.

Step 2: Identify privacy risks and solutions

Privacy risk to individuals	Council risk (inc DPA, HRA, other law/ requirement).	Solution(s)	Evaluation: is the risk eliminated, reduced, or accepted?
<p>1. Staff movements being monitored constantly throughout the working day is highly intrusive, an infringement upon their right to privacy (HRA), and could cause anxiety amongst staff. Intrusiveness would be increased if audio recordings were used, so audio is not part of these proposals. ICO Employment Code of Practice cites continuous monitoring as only justifiable in high risk areas</p>	<p>Need to ensure that the processing complies with HRA and DPA and in particular P1 and 2 unless an exemption applies e.g. S29 (prevention or detection of crime).</p> <p>Due to ICO Undertaking signed by Chief Executive</p>	<p>The following lists monitoring activities from lowest privacy risk to employees to highest privacy risk to employees:</p> <ol style="list-style-type: none"> 1. (lowest risk) Monitoring of vehicle travel (i.e. route tracker) 2. Use of outward facing cameras 3. Use of inward facing cameras 4. (highest risk) Use of audio <p>Do not use the most privacy intrusive activities (i.e. audio and in-cab cameras), and use the least privacy intrusive</p>	<p>Risk is reduced but not eliminated,</p>

for example working in a nuclear power station or in a jewellers with valuable objects.

Staff may be unaware that historic information captured by the vehicle monitoring equipment could be used as part of investigations into their conduct, etc. to verify the actions/location of an employee on a specified day/time.

relating to use of covert surveillance, Audit Cttee agreed that no employee surveillance would be undertaken until a policy is written, but this would be held in abeyance due to other pressing HR priorities (Audit Cttee minutes dated 11 June 2014). The definition of employee surveillance was not given, but can be assumed to mean covert surveillance, as outlined in the WAO report. However the Council needs to be careful to fully comply with the ICO Undertaking and Audit Cttee requirements, otherwise ICO action and compensation

activities to achieve aims.

If the primary purpose is staff monitoring for health and safety reasons (rather than non-personal such as route efficiencies), this needs to be very clear at outset of the Occupational Road Risk Policy, together with setting staff expectations that data could be used in HR investigations.

Distinction between staff surveillance and monitoring is blurred, so Member consultation is key to make sure Members are happy with this activity, either in the absence of a surveillance policy, or to trigger development of a surveillance policy by HR.

Consent unlikely to be appropriate as there may be occasions when the systems need to be used even though consent is withheld. Therefore DPA S29 may be used for crime prevention/detection purposes, or Sched 2(5)(d) 'The processing is necessary for the exercise of any other functions of a public nature exercised in the public interest by any person' for other purposes. Exemption Panel needs to approve use of these

claims could result.

A workforce that feels untrusted is less likely to want to positively contribute to the success of the enterprise. Needs to be managed properly.

However not having access to reliable data from the tracking system could hinder investigations, potentially leading to an erroneous conclusion, or prevent mistakes being identified and corrected before they cause an accident (which could cause a significant threat to life).

exemptions/schedules the first time they are used for each new purpose, so that there is a full audit trail of careful consideration of them.

However Principle 1 requirement for fairness also needs to be fulfilled via the following:

If a decision is made to go ahead, ensure staff are informed that vehicle tracking is being used e.g. through:

- Consultation with Trade Unions.
- Awareness raising sessions
- Newsletters
- Update driver manual
- Driver CPC Training

Only use data from the point that the Vehicle Policy is agreed and staff informed – use of historic data captured on cameras prior to this date needs particular consideration at Exemption Panel.

If considering usage in an HR investigation, (and a criminal offence is not being investigated), any alternative evidence available should be considered

		<p>first which would be more compatible with the DPA. The employee should be presented with the information used to allow them to make representations before any action is taken.</p>	
<p>2. Privacy risk to members of the public recorded by outward facing cameras.</p>	<p>DPA and HRA breaches, which could lead to ICO action and independent action through courts.</p>	<p>Minimise amount of recording that will cover members of the public and private property where possible.</p> <p>Information on type of recording, purposes, and contact details for Council as Data Controller needs to be communicated, e.g. on clear, large vehicle signs; Council website; Newline articles; etc.</p> <p>Keep information secure and dispose of it regularly.</p>	<p>CMT may need to accept this risk as it is difficult to reduce it.</p>
<p>3. Function creep – once initial purpose is approved it could be used for other purposes.</p>	<p>DPA and HRA breaches unless new purpose is properly considered via a PIA, which could lead to ICO action (inc monetary penalties) and</p>	<p>Set up a robust mechanism to evidence that each request to use information captured by the vehicle tracking system has been considered by Exemption Panel and would comply with the DPA, HRA, etc.</p> <p>To make sure there is trust, the stated aims in the policy must be adhered to and</p>	<p>Reduced.</p>

	compensation claims.	data should only be used for the purposes outlined in the policy and communicated to staff (and only for business activities), unless the data reveals activities which no employer could reasonably be expected to ignore. In such instances the Authority's relevant policies will be followed.	
4. Information captured by the vehicle tracking system should be included in searches for SARs where relevant.	Failure to comply with P6 DPA could lead to ICO action	Good record-keeping practices, including appropriate filing practices and following retention periods on tracking data as well as data stored in other formats such as email, will ensure this is done.	Reduced
5. Access to personal information captured by the VMI system should be restricted to a limited number of individuals e.g. HR officers, Head of Service, etc.	Failure to comply with DPA could result in ICO action and compensation claims.	Identify the process to be followed when requesting access to information (the 'Internal Request for data from VMS' form), and establish who is able to authorise such requests e.g. Heads of Service. Exemption Panel should be involved, at least in the early days, to establish acceptable uses of the system in compliance with the agreed policy. Training should be provided for staff involved so they thoroughly understand the process. System access by designated users will	Reduced

		<p>be monitored with a full audit trail available to authorised personnel.</p> <p>Security of the system should be documented in the policy.</p>	
6. Information retained for longer than necessary.	Failure to comply with P1, 5 and 6 DPA.	Justify reasons for retention decision clearly in policy, and make sure there are mechanisms for regular review and confidential destruction of data.	Reduced
7. Any third party collection of data? Individual needs to be confident that if so their information is protected.	Failure to comply with P7 DPA, which can lead to substantial monetary penalties.	<p>Put Data Processor agreements in place.</p> <p>If transferred outside EEA, make sure equivalent DP protections are in place.</p>	Reduced

Step 3: Consultations

- CIGU and SIRO (undertaken throughout 2015-2017)
- CMT
- ICO (undertaken Feb 2016)
- HR Strategy Group (undertaken May 2016)
- Trade Unions (undertaken October/November/December 2016 and January 2017)
- Exemption Panel on specific uses of the data as they arise (if required)
- Employees
- Heads of Service
- Legal
- Members

Step 4: Data Protection Review

CIGU must verify that this PIA has considered all aspects of data protection and privacy, and will seek legal advice at Exemption Panel if necessary.

Date PIA shared	CIGU comments	CIGU Officer name and date
<p>Drawn up by CIGU in conjunction with Service Area, Jan 2016 – Feb 2017</p>	<p>I am advised that information gathered by VMI systems will assist in the day-to-day, effective management of Council services. The information may also assist in the application of the range of HR policies which are used to assist in the effective management of the Authority’s multiple staff groups</p> <p>The current Council stance, as agreed by Members at Audit Cttee on 11 June 2014, that no employee surveillance will be undertaken means that extreme caution needs to be taken in considering proposals for monitoring staff. Any monitoring needs to be carefully considered and consulted on (including with Trade Unions) to make sure Members are satisfied and ICO is confident the Undertaking signed by the Authority is being fully complied with.</p> <p>The least privacy intrusive technologies should be considered to achieve stated aims, avoiding the most intrusive (including audio) as much as possible..Clarity on legal powers to process data is important, even more so when the General Data Protection Regulation takes effect in May 2018. Consent to capture and use data is usually the clearest legal power as long as fairness can also be proven, and staff may give consent to prove they have not acted inappropriately. However it is not advisable to request consent if the Council will have to use the data anyway, as failure to observe a refusal of consent could be unfair. Therefore reliance on other Sched 2 conditions and good publicising of this data collection/use is advisable. We need to be aware that there is always a risk of challenge without evidenced consent, but the consultations as part of this PIA and compromises made on use of the technology lowers the risk.</p> <p>Employees will be informed clearly in the Driver’s Handbook that this technology is being implemented and what their data could be used for, and it is advisable that the public are informed via an article in Newslines/Council website. or via any other means</p>	<p>Joanne Jones, Feb 2017</p>

	deemed appropriate.		
	Regulation of Investigatory Powers Act (RIPA) is not relevant as none of this activity will be covered.		

Step 5: Approval of PIA outcomes

Who has approved the privacy risks involved in the project? What solutions need to be implemented? Is final impact on individuals a justified, compliant and proportionate response to the project aims?

Risk	Approved solution	Approved by
As outlined in Step 2.	As described in Step 2.	

Step 6: Integration of PIA outcomes into project plan

Who is responsible for integrating the PIA outcomes back into the project plan? Who is responsible for implementing the solutions that have been approved? Who is the contact for future privacy concerns?

Action to be taken	Date for completion of actions	Responsibility for action

Contact point for future privacy concerns (must be an officer involved in project, not CIGU).

Annex to Step 4: Evidence all risks have been addressed

CIGU will confirm whether all aspects of DPA have been addressed in this PIA.

Principle 1

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:

a) at least one of the conditions in Schedule 2 is met, and

b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

Question:	Response:
Have you identified the purpose of the project?	Yes
How will you tell individuals about the use of their personal data?	Approval of Occupational Road Risk Policy by Trade Unions and Members and subsequent publicising of policy; use of generic Fair Processing Notice on website, staff briefing sessions, work manual, general policy awareness on surveillance, etc.
Do you need to amend your privacy notices?	Yes
How will fairness be achieved?	As described above, and ensuring all procedures on retention, access and use of data are followed.
Have you established which conditions for processing apply?	Can consent be achieved? If not (or if not desirable) DPA Sched 2(5)(d); also exemption S29 when appropriate.
If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?	Consent is not deemed to be required for the VMI systems currently being proposed for use. If these systems are ever subject to change, the TU's would be consulted again, PIA revised, and requirement for consent would be revisited.
Human Rights Act considerations:	
Will your actions interfere with the right to privacy	Yes, as employees are entitled to

under Article 8?	a degree of privacy in work environment (ICO). However proposals have been sufficiently co-ordinated and risk managed and concessions have been made to limit that impact.i.e no audio, no in cab use.
Have you identified the social need and aims of the project?	Yes, recent high profile media stories illustrate tragic consequences of accidents involving heavy vehicles. Also can protect employees in the event of complaints about them.
Are your actions a proportionate response to the social need?	Yes
Other legal considerations:	H&S legislation, Duties under Road Traffic Act

Principle 2

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Question:	Response:
Does your project plan cover all of the purposes for processing personal data?	Yes
Have you identified potential new purposes as the scope of the project expands?	No, if new purposes are identified an update to this PIA will always be required.

Principle 3

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Question:	Response:
Is the quality of the information good enough for the purposes it is used?	Yes
Which personal data could you not use, without compromising the needs of the project?	Audio and in-cab cameras will not be used unless required at a later date. Further consultation will be required with Trades Union and Stakeholders

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

Question:	Response:
If you are procuring new software does it allow you to amend data when necessary?	Yes
How are you ensuring that personal data obtained from individuals or other organisations is accurate?	The vehicle tracking system may be used to make contact with the operatives throughout the day to update/amend work schedules or to divert resources when required, and this would verify that the vehicles are in the location detailed by the tracking system. Reports will also be produced for use by management for operational and performance management purposes.

Principle 5

Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.

Question:	Response:
What retention periods are suitable for the personal data you will be processing?	30 days, unless longer needed due to Council Business requirements.
Are you procuring software that will allow you to delete information in line with your retention periods?	Yes

Principle 6

Personal data shall be processed in accordance with the rights of data subjects under this Act.

Question:	Response:
Will the systems you are putting in place allow you to respond to subject access requests?	Any records (if not overwritten) will need to be considered for disclosure under a SAR. Make sure technology used is able to extract relevant data, including pixelating or editing unnecessary data.
If the project involves marketing, have you got a procedure for individuals to opt out of their	N/A.

information being used for that purpose?

Principle 7


Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Question:	Response:
Do any new systems provide protection against the security risks you have identified?	Ensure that access to the system is only given to officers who need it. (VMI Authorisation Form). If Cloud storage is used, check with IT Security Team.
What training and instructions are necessary to ensure that staff know how to operate a new system securely?	Staff are to be provided with the necessary training including the procedure to be followed if information is requested for use in any investigation. Information gathered by VMI systems will assist in the day-to-day, effective management of Council services. The information may also assist in the application of the range of HR policies which are used to assist in the effective management of the Authority's multiple staff groups.

Principle 8

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Question:	Response:
Will the project require you to transfer data outside of the EEA?	No. When new suppliers are chosen, this question will be asked.
If you will be making transfers, how will you ensure that the data is adequately protected?	

 <p>CAERPHILLY COUNTY BOROUGH COUNCIL CYNGOR BWRDEISTREF SIROL CAERFFILI</p>	<p>Internal request for data from Vehicle Management Systems</p> <p>Owner: Fleet Management Date: January 2017</p>
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All requests for data must be made via completion of this form.

Purpose and objectives of Vehicle Management Systems

The Vehicle Management System collects information to maintain public safety and manage an efficient fleet operation, assisting the Council to comply with S172 of the Road Traffic Act 1988 and the Health and Safety at Work Act 1974. Information will include personal data of employees and the public, and a Privacy Impact Assessment has therefore been undertaken.

The Vehicle Management System has the following objectives:

- Protect safety of the public and employees
- Protect security of the vehicle fleet
- Protect public funds by facilitating more efficient operation of vehicle fleet and defending claims

Some Vehicle Management System devices cover public open spaces (e.g. 360 degree cameras) so the system must be compatible with operation of the Council's Public Open Space CCTV, including informing the public of use of these systems. Systems must also only be used in line with information given to employees in the Driver's Handbook. This will ensure openness, transparency, legality and increase likelihood of acceptability as evidence in court.

Approving disclosure requests

Data retained in the system will only be made available by the Fleet Manager for audit and Council business purposes on receipt of a completed form by an Insurance or Risk Management Officer/ Manager/ Head of Service/ Head Of HR/ Director of Service. Where necessary the Authority's Exemption Panel will be consulted.

Designated Officers who can approve requests in accordance with these objectives are Team Managers. All requests must be counter-signed by Head of Service. Designated Officers and recipients of the data must have completed Protecting Information elearning within the last 12 months.

If you are unsure whether a request meets these objectives, or for any request that you would like to approve but does not meet the objectives, contact Corporate Information Governance Unit on x3041/4320 who can seek advice from Exemption Panel if needed.

Please note that data is only kept for one month, unless secured as evidence.

Completed disclosure forms, and any notes to evidence decision-making, must be securely retained by Designated Officers in line with the Council's retention schedule in case of future challenge.

Duties of data recipients - if data is authorised for release it must:

1. only be used for Vehicle Management System objectives;
2. not be released to third parties without Exemption Panel consideration;
3. be maintained securely and deleted promptly when no longer required.

In respect of investigation of an incident, I require the following information:

Type of data (e.g. vehicle CCTV)							
Incident date:		Incident time:					
Incident location:							
Incident description, including action taken by employees*: <i>*If request arises from a complaint, anonymous or other, notify Corporate Complaints Section for information purposes.</i>							
Reason for request:							
I am requesting:		View only		Download		Share with third parties	
<i>Delete as appropriate:</i>		Yes	No	Yes	No	Contact CIGU on x4320/3041	

I understand the duties of data recipients and have undertaken Protecting Information training:	
Name:	Sign:
Position and ID:	Email:
Service Area:	Tel no:

Designated Manager - I have undertaken Protecting Information training and confirm that data can be:	Viewed		Downloaded		
	<i>Delete as appropriate:</i>		Yes	No	Yes
Name:	Sign:				
Position and ID:	Email:				
Service Area:	Tel no:				

Head of Service - I counter-sign this application <i>(delete as appropriate)</i>		Approved	Refused
Name:	Sign:		
Position and ID:	Email:		
Service Area:	Tel no:		

System accessed and information produced by:	
Name:	Sign:
Position and ID:	Email:

Service Area:

Tel no: