



Cork Centre for Independent Living Limited



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Cork Centre for Independent Living

Driving for Work Policy

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## Driving at Work Policy

### 1. Introduction

Most people are not aware of the serious impact that driving at work has on health and safety. It has recently been estimated that a third of all road traffic collisions are thought to involve somebody who is at work at the time of the incident.

### 2. Policy Statement

Cork CIL recognises that it has a responsibility not only for the health and safety of staff engaged in driving at work but also to other road users and members of the public.

Cork CIL will therefore ensure that all employees will comply with all driving related legislation and exercise due care and attention when driving on Cork CIL business.

### 3. Policy Objectives

The objectives of this policy are to ensure:

- The safety of staff whilst driving on Cork CIL business.
- That the safety of other road users and members of the public is not compromised by those driving on Cork CIL business.
- That all staff are appropriately qualified trained and licenced.
- The suitability of vehicles for use.
- That drivers are medically fit to drive.
- That those with duties under this policy are clearly identified and provided with clearly defined roles and responsibilities.
- Compliance with national driving-related mobile communication devices and drug and alcohol legislation.
- That employees and service users are fully aware of their responsibilities under the requirements of this policy.
- That employees and service users are fully aware of the consequences of their failure to comply with the requirements of this policy.

### 4. Scope of this Policy

This policy recognises that there are several categories of staff that drive as part of their work. The contents of this policy apply to the categories as detailed below:

**Category 1** Staff who drive their own private vehicle at work.



- Category 2** Staff who drive a Service User's Own vehicle
- Category 3** Staff who transport Service Users in their own (PA) vehicle
- Category 4** Staff who are required to have additional licences and medical approvals as set out by the DVLA (e.g. minibuses).

## 5. Driving for Work

Where possible, staff are encouraged to use public transport. However, Cork CIL recognises that this is not always practical.

Staff are classified as driving at work if they are driving on Cork CIL business. This includes all journeys to places of work, training, conferences, placements, etc.

This **does not** include driving to or from your normal (designated) place of work. In the case of staff who work in several locations in the course of a day, this does not include driving to your first work location or home from your last work location.

## 6. Category 1 - Staff who drive their own private vehicle at work.

If staff intend to use their own vehicle to drive whilst at work and make a mileage claim for these miles the following guidelines must be complied with:

- Completing the Driver Declaration Form and updating details as necessary.
- Hold **a full clean licence** and present their driving licence for inspection regularly and on request.
- Ensure that the appropriate level of insurance is in place.

Under the 'Limitations as to use' section, your insurance certificate policy will need to state that you are covered 'in connection with your business/profession'. Under the section 'Person(s) or Classes of Persons, whose liability is covered', [Cork Centre for Independent Living](#) will need to be indemnified.

- Provide on request vehicle insurance records.
- Ensure the vehicle has in-date vehicle tax and NCT (where required).
- Provide on request vehicle tax and NCT (where required) records.
- Ensure that when used on Cork CIL business that private vehicles are roadworthy and maintained in accordance with the manufacturer's instructions.
- Provide on request vehicle service records.
- Undertake daily checks of the vehicle they intend to drive.



- Reporting any medical condition to the Cork CIL Manager, in accordance with the DVLC medical rules for driving.
- Ensure that they comply with the Road Safety Authority Rules of the Road.
- Comply with the Cork CIL's Smoking at Work policy.
- Comply with national driving-related mobile communication devices legislation and in addition not to use mobile phones whilst driving at work.
- Comply with national driving-related drug and alcohol legislation.
- Comply with all applicable road traffic regulations under the Road Traffic Act.
- Report road safety problems, including crashes, incidents, fixed penalty notices, summons and convictions for any offence, including vehicle defects, to their line manager.

## 7. Category 2 Driving Service User's Own Vehicles

Some Service Users have accessible adapted vehicles and require a PA with the appropriate skills and qualification to drive the vehicle. In this case there are responsibilities for the Service User and the PA.

### 7.1 Service User Responsibilities

The Service User must:

- Ensure that the vehicle to be driven by a PA is roadworthy and maintained in accordance with the manufacturer's instructions.
- Provide on request vehicle service records.
- Ensure that the appropriate level of insurance is in place and that this insurance indemnifies Cork CIL.
- Provide a copy of vehicle insurance policy.
- Ensure the vehicle has in date vehicle tax and NCT (where required).
- Provide on request vehicle tax and NCT (where required).
- Ensure that daily checks of the vehicle that the PA is intended to drive are undertaken.
- Ensure the vehicle is not used inappropriately, (e.g. unsecured load carrying, or hazardous journey).
- Comply with the Cork CIL's Smoking at Work policy.



- Comply with all applicable road traffic regulations under the Road Traffic Act; reporting any collisions or incidents to An Garda Síochána.
- Any additional assistive technology / equipment recommended must be available and fitted in line with manufacturer's instructions. e.g. swivel seats, simple or advanced, wedge cushions, sliding board, leg lifters, seat extension, seatbelt pullers, seatbelt clip extensions, seatbelt release clips, chest belt or shoulder harness.
- Report road safety problems including vehicle defects, to CCIL manager.
- Report any crashes, incidents, fixed penalty notices, summons and convictions for any offence arising whilst the vehicle is driven by the Cork CIL staff to the Cork CIL Manager.
- Co-operate with all monitoring, reporting and investigation procedures.
- If Service Users are un-willing or unable to meet these responsibilities, Cork CIL staff will not be authorised to drive the Service User vehicle.

## 7.2 PA Responsibilities

The PA must:

- Hold a **full clean licence** and present their driving licence for inspection regularly and on request
- Irish and EU legislation requires that a driver should advise their driver licensing authority of any long-term or permanent injury or illness that may affect their safe driving ability. Staff must report any medical condition in accordance with the licensing medical rules for driving to the Cork CIL Manager and Service User. If you have any doubts about your physical or mental fitness to drive you should consult a doctor. (See RSA website for details.)
- Ensure that the vehicle to be driven by a PA is roadworthy and maintained in accordance with the manufacturer's instructions.
- Undertake routine checks of the vehicle they intend to drive prior to driving.
- Check with the Service User and ensure that the appropriate level of insurance is in place and that this insurance indemnifies Cork CIL.
- Ensure the vehicle has in date vehicle tax and NCT as appropriate.
- Ensure the vehicle is not used inappropriately, (e.g. unsecured load carrying, or hazardous journey).
- Comply with the Cork CIL's Smoking at Work policy.
- Comply with all applicable road traffic regulations under the Road Traffic Act; reporting any collisions or incidents to An Garda Síochána.



- Report road safety problems, including crashes, incidents, fixed penalty notices, summons and convictions for any offence, including vehicle defects, to CCIL manager.
- Co-operate with monitoring, reporting and investigation procedures.

## 8. **Category 3: Staff who transport Service Users in their own (PA) vehicle.**

The Cork CIL Assisted Living Service recognises that transport is an important issue for many Service Users. However CCIL cannot offer a routine transport service and encourages Service users/ Service Users explore the use of public transport or the possibility of requesting a PA that can drive to drive a Service Users own vehicle .

In exceptional circumstances<sup>1</sup> where none of the above is available to the Service User, Cork CIL may consider requesting PA's to use their (PA) car to provide a limited driving service.

Before this will be explored the Service User must:

- Demonstrate to Cork CIL that the aforementioned options are not available.
- Understand and accept that a PA is not obliged to use their private car to provide driving services.
- Agree to enter into a Service Agreement with CCIL and the named PA
- Agree to pay for the use of the vehicle at the standard prevailing mileage rate per kilometre<sup>2</sup>.
- Where Service Users are un-willing or unable to meet these responsibilities, Cork CIL staff will not be authorised to transport the Service User in the PA's vehicle during hours employed by CCIL.

Where the PA is asked to consider the use their private care to provide a driving service for a named Service User in addition to the requirements in **Section 6.0** the PA must:

- Inform their insurance company and ensure that they have appropriate and adequate insurance cover indemnifying Cork CIL. Copies of insurance cover must be given to Cork CIL prior to commencing a driving service.
- Undertake a risk assessment in terms of lifting, handling and assisting a Service User into their vehicle.

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<sup>1</sup> <sup>1</sup> E.g. the service user/ Leaders lives rurally without access to regular public transport; lives in an area where public services in the locality are not adequate to allow safe passage for the service user/ Leader and PA (i.e. no footpaths on a rural road), or the Service User does not own a vehicle etc.

<sup>2</sup> €0.3912 cent per kilometre as at May 2013. This is subject to change



- If recommended additional safety equipment must be available and fitted in line with manufacturer's instructions. e.g. swivel seats, simple or advanced, wedge cushions, sliding board, leg lifters, seat extension, seatbelt pullers, seatbelt clip extensions, seatbelt release clips, chest belt or shoulder harness. (Who covers this additional cost?)
- PA's **may not** transport children who are Service Users in their own vehicle
- If a PA is unwilling or unable to meet these responsibilities Cork CIL will not authorise a PA to transport the Service User in the PA's vehicle.

**The PA may decline the request to use their own vehicle. This will not affect their employment status with Cork CIL in any way whatsoever.**

If a PA agrees to use their vehicle and subsequently decides they no longer wish to they may cease at any time. They are required to inform the ALS Co-ordinator/ Manager and Service User. This will not affect their employment status with Cork CIL in any way whatsoever.

A PA who is sanctioned by Cork CIL under these exceptional circumstances can only commence using their car to provide driving services once approved by their Co-ordinator/ Manager. Permission under exceptional circumstances is not 'carte blanche' permission; PA's can only provide driving services for **named** Service Users.

## **9. Category 4 Staff: - Driving Vehicles that Require Additional Licences and Medical Approvals**

This category refers generally to the driving of mini buses and passenger vehicles. If this type of transport is required it is the policy of Cork CIL that these services will be contracted from an appropriate preferred provider.

Cork CIL staff may not drive hired passenger vehicles that require additional licences and medical assessment in pursuance of their work without the prior and explicit agreement of Cork CIL Manager or designate

## **10. Reimbursement of Travel Expenses**

Where employees use their private cars, motorcycles or bicycles for business purposes, and the employees incur the total cost of such usage (e.g. insurance, tax, running costs, etc.), and then the reimbursement in respect of the cost of business use can be made free of tax by the employer.

Cork CIL has determined that this will be made by 'reimbursement is by way of Flat-Rate Kilometric Allowances' in line with the lowest prevailing Civil Service Rate. This rate can go up or down. Further details on the reimbursement of mileage and other allowable expenses are in the **Mileage and Allowable Expenses Policy 2011**.





#### **10.1 Costs incurred driving a Service User in the PA's own vehicle**

If a PA agrees to and is authorised to transport a Service User in the PA's own vehicle the 'reimbursement is by way of a Flat-Rate Allowance per Kilometre' in line with the lowest prevailing Civil Service Rate. This rate can go up or down. The reimbursement is intended to cover fuel, insurance and wear and tear on the vehicle.

**No** additional payments are available in respect of staff vehicles.

This will be managed by Cork CIL through the submission of a separate mileage claim form signed by PA and Service User. The cost based on a kilometric mileage will then be calculated and the Service User invoiced. On receipt of the money to CCIL, CCIL will then compensate the PA.

The re-imbusement will be included in the PA wages and is not subject to tax.

#### **11. Sanctions for Failing to Adhere to this Policy:**

Where these guidelines are not adhered to disciplinary action, up to and including dismissal, may be taken against staff. Where a service user fails to adhere to this policy they may be subject to a review of a User's service.



## Appendix 1

### **Step By Step Guide to PA Driving a Service User in their Own (PA's) Vehicle.**

If Service User would like a PA to consider transporting them in their own (PA's) car the Service user should:

First discuss with the PA if they will consider doing this. It is not acceptable for a Service User to put any pressure on a PA to provide this service.

If the PA agrees in principle the Service User and PA should then contact the ALS Co-ordinator or CCIL Manager. The PA and Service User will be required to attend a meeting. At the meeting the PA will need to:

- Complete a Driver Declaration Form
- Present their full clean licence a copy will be retained
- Present their NCT documents ( if required) licence a copy will be retained
- Present their Road Tax documents licence a copy will be retained
- Present their Insurance Documents that insures the PA for transporting passengers in the course of their work and indemnified Cork CIL. There may be additional cost applied by the insurance company. Any additional insurance cost will not be covered by Cork CIL.
- Agree to enter into a Service Agreement with the named Service User and CCIL
- Follow the process for making mileage claims. (See below).

The Service User will:

- Need to identify the types of journey they expect to make
- Sign a formal agreement
- Respect the decision of the PA with regard to driving
- Not smoke in PA's car
- Not to request PA to carry heavy loads or undertake a transfer that is not safe.
- Not to request PA to carry friends etc. This is not equivalent to a taxi service but intended to facilitate the Service User only



- Pay invoices within 14 days journeys taken with PA. The invoices will be based on kilometres or part of kilometres travelled at the prevailing flat kilometric rate. This is the rate that is paid to the PA <sup>3</sup>
- Confirm that the vehicle to be driven by a PA is roadworthy and maintained in accordance with the manufacturer's instructions;
- Provide the vehicle service records.
- Confirm that the appropriate level of insurance is in place and that this insurance indemnifies Cork CIL.
- Confirm that the vehicle has in date vehicle tax and NCT (where required)
- Agree that daily checks of the vehicle the intend the PA to drive will be undertaken;
- Ensure the vehicle is not used inappropriately, (e.g. unsecured load carrying, or hazardous journey).

Once an agreement is signed the PA will be authorised to carry the specific named Service User in line with the agreement and eligible to claim mileage a prevailing rate using the attached claim form.

- The mileage claim must be submitted on the first of the month for the previous month.
- The claim for must be signed by claimant
- The Claim form must be countersigned by the Service User.
- Claims may only be made once all requirements are in place as described above
- On receipt Cork CIL will invoice the Service User. On receipt of payment from the Service User Cork CIL will process the payment to the staff member.
- The PA **may not** make additional claims for increased insurance costs, parking, NCT, servicing, fuel etc.
- The Service User and PA may not enter in a private arrangement during work time. Arrangements outside scheduled work hours are not the responsibility of Cork CIL and are not covered by this policy

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<sup>3</sup> Current Kilometric rate €0.3912 cent per kilometre or part of kilometre



Driver Declaration Form

Name:	Employee No
Address	
Contact No	E- Mail

Vehicle:	Make:	Model:	Reg:					
Licence Category	B1	C	C1	C1E	D	DE	D1	Copy taken <input type="checkbox"/>
Any Penalty points	Yes <input type="checkbox"/>		No <input type="checkbox"/>					

Insurance	Insurer	Policy No	Dates
			From:
			To:
Is Cork CIL Indemnified?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Copy taken <input type="checkbox"/>

N.C.T.	NA <input type="checkbox"/>	Yes <input type="checkbox"/>	Copy taken <input type="checkbox"/>
		Date: //	

<b>Declaration</b>	
I confirm that I do not have illness or conditions as listed by RAS that preclude me from driving	
I confirm that the above information is correct and accurate	
I agree to provide updated information as required and when requested	
I have read and understand the driving for work Policy and the Mileage and Allowable Expenses Policy.	

Name: \_\_\_\_\_ Date ...../...../.....

Signed: \_\_\_\_\_



**Driving Service Agreement**

PA Driving Service User in PA's own Car

Service User Name: \_\_\_\_\_

PA Name: \_\_\_\_\_

**Service User declaration**

I confirm that I understand that the PA may on request and with their agreement travel with me as a passenger in their car, during their working hours with me.

I confirm that I do not need any adaptations made to a vehicle and can transfer independently or with minimal help into a standard vehicle

I will not request the PA to transport friends or family or carry heavy or unstable loads in their vehicle.

I agree to pay the prevailing kilometric rate for all journeys I taker with the PA

I agree that this will be recorded on a Cork CIL mileage sheet signed by the PA and countersigned by me. I understand that I will be invoiced for any journeys based on this mileage return and I agree to pay within 14 days of receipt of the invoice.

All monies will be paid to Cork CIL directly who in turn will reimburse the Driver/PA

If agree that if a PA no longer wishes to transport me in their vehicle I will respect this decision, and that this decision will not affect their role as PA.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA Declaration**

I understand that the Service User may request to travel with me as a passenger during my working hours with them

I confirm that I meet the requirements of Cork CIL and I have a full clean licence, that my vehicle is roadworthy and that I have appropriate and adequate insurance which indemnifies Cork CIL.

I understand that reimbursement is the prevailing kilometric rate for all journeys and that all monies will be paid to Cork CIL directly who in turn will reimburse me. I also understand that I may not make any additional claims.

I agree that mileage will be recorded on a Cork CIL mileage sheet signed by me and countersigned by the Service User.

If I no longer wish to transport Service Users in my vehicle I agree to advise both the Service User and Cork CIL management immediately. This will not affect my role as PA.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**Driving Service Agreement**

Personal Assistant Driving a Leaders Car

Service User Name: \_\_\_\_\_

PA Name: \_\_\_\_\_

**Service User declaration**

I confirm that I understand that the PA may on my request and with their agreement drive my car with me as a passenger during their working hours with me.

I confirm that:

Any adaptations required have been made to the vehicle and I can travel safely in the vehicle.

- The vehicle is fully insured for the PA to drive.
- The vehicle is roadworthy and has a valid NCT and motor tax.
- The vehicle will be handed to the PA with adequate fuel for the return journey.
- The PA will record the start and finish mileage if required by you.
- I will not request the PA to transport friends or family or carry heavy or unstable loads in the vehicle.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PA Declaration**

I understand that the Service User may request me to drive their car with them as a passenger during my working hours with them.

I confirm that:

- I have read and understand the Cork CIL Driving for Work Policy
- Meet the requirements of Cork CIL
- I have a full clean licence,
- I agree that mileage will be recorded on a Cork CIL mileage sheet signed by me if required by the Service User
- If I no longer wish to drive the Service Users vehicle I agree to advise both the Service User and Cork CIL management immediately.

**Signed:**

Service User / Kin \_\_\_\_\_

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

Personal Assistant: \_\_\_\_\_

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

Co-ordinator: \_\_\_\_\_

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_



Cork Centre for Independent Living Limited

CLAIM FORM: Mileage & Allowable Expenses

Distance to be recorded in Kilometres

<i>This section is for office use only</i>		NAME:		Vehicle:	
Mileage:		ADDRESS:		Model:	
Expenses:		Telephone:		Engine size:	
DETAILS OF JOURNEY/EXPENSES					
DATE	From	To	DISTANCE (Kilometres)	OTHER (Attach Receipt)	€
<b>TOTAL km's</b>			<b>TOTAL €</b>		
I confirm that this is an accurate claim. I am the owner of the vehicle and have appropriate insurance road tax and where applicable valid NCT			<b>AUTHORISED:</b>  <b>Date:</b>		
<b>SIGNED:</b>  <b>Date:</b>					



CLAIM FORM: PA / Service User Mileage Expenses

Distance to be recorded in Kilometres

<i>This section is for office use only</i>		PA Name:	Service User Name	
Mileage:		Vehicle:	Address:	
Expenses:		Model:		
DETAILS OF JOURNEY				
DATE	From	To	DISTANCE (Kilometres)	€
<b>TOTAL KM</b>			<b>TOTAL €</b>	
I confirm that this is an accurate claim. I am the owner of the vehicle and have appropriate insurance road tax and where applicable valid NCT  <b>SIGNED PA</b>  <b>SIGNED Service User :</b>  <b>Date:</b>			<b>AUTHORISED</b>	
			<b>Date</b>  <div style="text-align: center;"><b>Office Use</b></div> Invoice Sent <input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> S U Payment Received <input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

**PLEASE NOTE:**

In completing and signing this form you are making a claim for payment in respect of mileage. You must ensure that your claim is accurate. When making a claim for mileage you must have appropriate insurance and have indemnified Cork Centre for Independent Living. Vehicle Insurance is at your own cost. Payments will be made directly into your nominated bank account.