



Mobile Phones and Driving

1. From 1 December 2003, the Council banned **all** employees from using a mobile phone while driving for work. This means you **mustn't** make or receive any calls or text messages using either a hand-held or hands-free mobile phone while driving for work.
2. The ban covers **all** work-related driving, including when using Council vehicles, lease cars and employees' own vehicles. It also covers using other hand-held devices for sending and receiving data, such as PDAs and Blackberries. It doesn't include two-way radios.
3. We introduced this ban because:
 - on 1 December 2003, using a hand-held mobile phone while driving became a crime. The penalties for breaking the law increased in August 2013. The fixed penalty for anyone caught using a hand-held mobile phone, or similar device, is now **£100** and **three penalty points** on their driving licence. If the case goes to court, this could be increased to £1,000, or £2,500 for van, lorry and bus drivers. The same penalties now apply if a driver is charged with not having proper control of their vehicle. The Police can use this if they believe using a hands-free mobile phone has distracted a driver. They now routinely check the mobile phone records of any driver involved in a road traffic accident.
 - it's an offence for employers to 'cause or permit someone to use a hand-held mobile phone while driving'. To comply with the law, we must make sure our policies and work practices don't expect employees to be making or receiving calls when they could be driving.
 - research has shown that drivers using a mobile phone are **four times** more likely to be involved in an accident. International studies have also shown that it's the distraction caused by using mobile phones that's the problem. This is why we've followed professional advice and banned the use of both hand-held and hands-free mobiles. The Council has to act on this type of information if we're to meet our responsibilities under health and safety law.
4. All employees are expected to comply with this ban. Disciplinary action may be taken against anyone who fails to do so. This includes both employees who use mobiles while driving for work, and any manager who allows work practices that require their team members to do so. The Council won't accept any liability for costs, fines or other penalties imposed on an employee if they're prosecuted.
5. Guidance for managers and employees is attached. If you have any queries or need more information contact the Corporate Health and Safety Team, CHST, on 640748 or by emailing employee.healthandsafety@derby.gov.uk.

MOBILE PHONES AND DRIVING GUIDANCE FOR MANAGERS AND EMPLOYEES

Managers

1. Managers are responsible for implementing the ban on using mobile phones while driving. Follow these steps...
 - Tell **all** your employees about the ban. Don't forget new starters, part-time, temporary and casual workers. Make sure everyone understands:
 - why it has been introduced and how it affects work practices
 - where to get more information
 - what could happen if they're caught using a mobile phone while driving for work.
 - Review your risk assessments. Make sure work-related driving is properly covered. Don't forget to involve your employees, their trade union health and safety representatives and your H&S adviser.
 - Review your work procedures and update them if necessary. Make sure that employees aren't expected or required to take or make calls when they could be driving. If you need to stay in contact with lone or mobile workers, agree safe working procedures, such as scheduled 'contact times', that fit around the daily driving tasks.
 - Make sure that all the Council mobile phones provided for your employees have message services or call-divert functions. Check that:
 - the services have actually been set up and work on all phones
 - employees know how to use them.
 - Monitor work practices to make sure the ban is being followed.

Employees

2. Employees are responsible for following health and safety policies.
 - **Don't** use a mobile phone while driving for work. This means you mustn't make or receive **any** calls or text messages, using either hand-held or hands-free mobile phones, while driving. The ban applies to **all** work-related driving, including if you use your own car on Council business. It also means you mustn't use a PDA, Blackberry or similar device while driving.
 - Switch off your phone before you start the engine. If you forget, **don't** answer any calls you get while you're driving.
 - Make sure your phone has message or call-divert services, that they're activated and working properly. **Only** check for messages when you're parked in a safe place.
 - Help your manager to review the risk assessments for driving activities. Work together to draw up practical, safe working arrangements.