

Scope: Students	Effective Date: 01/09/2014	Responsible Dept: Placements Team	Equality Impact Assessment Completed:
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# Study Related Driving Policy

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ST JOHN  
UNIVERSITY

## 1. PURPOSE

- 1.1. It is necessary on occasion for students to drive vehicles, and transport other students as passengers, for the purposes of attending placements or other functions essential to their studies. Although this is carried out with the University's authority there is a risk attached to this which needs to be managed primarily by following a 'Study Related Driving' protocol. This document shares its main features with the 'Driving for Work – Staff' guidelines.

## 2. SCOPE

- 2.1. This policy applies to student driving a vehicle, either their own or one provided by the University, in connection with their course of study.
- 2.2. This policy does not cover transport in connection with Students' Union activities or travel by Student Ambassadors.

## 3. OVERARCHING PRINCIPLES

- 3.1. The University will take all reasonable steps to reduce the health, safety and welfare risks to any student who may be asked to drive for University purposes and to anyone who may be adversely affected because of their driving.
- 3.2. All drivers also have a responsibility to drive safely and to comply with any requirements of the Road Traffic Act when driving a vehicle.
- 3.3. Central to this are the principles that driving should only be undertaken where there is no reasonable and viable alternative, secondly that in no circumstances should a student be required to drive if they feel that they are not sufficiently experienced or confident to make the journeys required, and finally that if they do agree to drive each student is responsible for ensuring that they drive safely.

## 4. LEGISLATIVE FRAMEWORK

- 4.1. The Health and Safety Executive in collaboration with the Department of Transport and the Royal Society for the Prevention of Accidents have published guidance for employers on "Driving at Work – Managing Work-Related Road Safety". This guidance clearly states their view that the requirements of Section 2 of the Health and Safety at Work Act 1974 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999 apply to all work related activities including "work related driving".

- 4.2. For the purpose of this policy York St John University ('the University') holds the role of 'employer' to the student (the 'employee'), and all car travel to teaching placements or other essential course related visits shall be deemed as 'work related driving' when considered in a legal sense.
- 4.3. The applicable legislation and standards include:
- The Health and Safety at Work Act 1974 (Section 2);
  - Management of Health & Safety at Work Regulations 1999;
  - The Road Traffic Act 1991;
  - Driving at Work – Managing Work-Related Road Safety (HSE, DfT, RoSPA).
- 4.4. This policy establishes a framework for dealing with situations which may arise as a consequence of its implementation, e.g. identifying persons who are unfit to drive or who are not permitted to drive.
- 4.5. This document is intended to provide guidance to student drivers and University staff arranging placements etc., and does not diminish in any way the individual's own responsibility to always act within the law when driving on the public highway.
- 5. QUALIFIED TO DRIVE**
- 5.1. All students who drive for purposes essential to their University studies are personally responsible for ensuring that they are qualified to drive the relevant type of vehicle within the UK (See Appendix 3 for examples of how this might apply).
- 5.2. All students who drive vehicles, whether their own or leased by the University for their use, must either complete the "Licence Checking Consent Form" found in Appendix 1 by contacting your placements team, or provide a DVLA code to enable staff to check their driving licence (see Appendix2).
- 5.3. The University will undertake a check to ensure that individuals are legally entitled to drive. Any queries on this process can be directed to [DrivingAtYSJU@yorks.ac.uk](mailto:DrivingAtYSJU@yorks.ac.uk)
- 5.4. The DVLA check will enable staff to consider driving requests in the full knowledge that students are legally entitled to drive for work purposes. Staff Guidance: There is no official guidance regarding points on licences however if a student does have points it may be worth considering if the School is comfortable allowing them to drive themselves or others. [Note: for the first two years after passing the driving test an individual only needs to accrue six points to be at risk of losing their licence].
- 5.5. Students who propose to use their own vehicles to attend placements etc. must, in addition to the above also complete the "Driver Vehicle Record" at [https://yorks.eu.qualtrics.com/jfe/form/SV\\_0p7DcRfbOCSqUwB](https://yorks.eu.qualtrics.com/jfe/form/SV_0p7DcRfbOCSqUwB) to give full details of the car they will be driving and to confirm that the car has an MOT and adequate insurance.

## 6. INSURANCE

- 6.1. The law requires that all persons who drive on the public highway must be adequately insured. This means that any person driving, including driving undertaken at the request of their employer or for the attendance of course-related placements must be covered for “business use”.
- 6.2. All students who drive vehicles which have been leased for them by the University as an essential part of their course commitments are automatically covered by the University’s insurance policy, for the use of that vehicle only.
- 6.3. Students who use their own vehicle to travel to placements, however, are responsible for ensuring that they are adequately covered by their own personal insurance policy. Health students, in particular, who are undertaking a placement which requires travel between sites or to patients’ homes (community placement) must ensure that their insurance covers them for ‘business use’. Student Guidance: If a student proposes to use their own car to travel to a placement, the insurance policy paperwork should state clearly “for business use” under permitted usage. Some insurers may regard travel to/from placements as ‘occasional business use’. As a result anyone considering using their own car must contact their insurer beforehand to ensure they are not invalidating their insurance, and if regarded as business travel that they will not be exceeding any annual mileage limit for such travel under their policy.
- 6.4. Students who choose to use their own car to travel to placements etc. are NOT covered by the University’s insurance, and in the event of an accident occurring whilst travelling to/from the place of work or placement, dealing with the claim would be the student’s own responsibility. NB: No assistance can be given by the University under these circumstances.

## 7. ROAD SAFETY

- 7.1. The law states that it is the responsibility of the driver to ensure that any vehicle driven on the public highway is safe and fit for use. This is the case whether the vehicle is leased, or is the student’s own.
- 7.2. In the case of students who use their own private vehicle to attend placements, it is their responsibility to ensure that the vehicle (if over 3 years old) has a valid MOT certificate on an annual basis, and that the vehicle is roadworthy and properly maintained.
- 7.3. Where the student drives a vehicle leased by the University for their use, appropriate servicing and maintenance arrangements will be in place with the hire company to ensure that the vehicle is fit for use. However, the student is still expected to use reasonable judgment to ensure that the vehicle is fit for use on a daily basis, and in particular is prepared for adverse weather conditions. Any concerns should be raised with the hire company immediately.
- 7.4. Drivers must not drive under the influence of alcoholic drink, intoxicating drugs or any other substances likely to impair judgment or the ability to react quickly and appropriately to road conditions or circumstances. Student and Staff Guidance: Students who are taking prescription drugs which might adversely affect their ability to drive should inform the

School and Placements Team in the first instance, who will work with them to determine the best way of minimising the risks involved, whilst enabling the student to benefit fully from attending their placement.

- 7.5. Students who are driving in connection with University requirements must always comply with the law; current UK law prohibits the use of hand held mobile phones or other devices whilst driving. Students should make use of the voicemail facility on their phones, and make return calls only when it is safe to do so.
- 7.6. It is expected that students will only be required to drive for University purposes where there is no viable alternative. Students should research their journey using a route planner to ensure that they are happy and confident to drive to placement, and that they are comfortable in their own capabilities. Students should be mindful of how to drive in different situations including rural locations, weather conditions, driving in a city centre during rush hour etc. There is information on safe driving available online and we recommend looking at these sites: THINK! Road Safety information: <http://think.direct.gov.uk/index.html> Brake - the road safety charity: <http://www.brake.org.uk/facts-resources/21-resources/923-driveradvice>
- 7.7. Both the student and staff should ensure that the schedule of driving, work activities and rest periods are mutually agreed so as not to place an undue burden on the student. Student Guidance: To ensure the journey can be undertaken safely the following should be considered before the placement commences:-
- Has the most suitable route been selected and have details been left with someone? (See Lone Working – also ensure mobile phone with the driver on all journeys)
  - Is the schedule realistic, providing sufficient time for the journey, making adequate allowance for rest breaks (at least 15 mins rest in every two hours of driving), and considering traffic congestion?
  - Has sufficient consideration been made of the work activity to be undertaken on arrival to ensure that the driver is not overly tired at the beginning or end of the day?
  - Is the driver fully aware of extra measures which may need to be taken in adverse weather conditions?
  - Has sufficient time been allowed/advice given on learning the controls, checking the vehicle, warming up and demisting screen etc.?
- 7.8. If the student has any concerns about their capability to drive to placement then they must raise these with a member of staff as soon as possible for consideration and if necessary alternative transport to be agreed.

## **8. ACCIDENTS AND INCIDENTS**

- 8.1. Students who are driving University leased vehicles should follow the procedure outlined below in the case of any accident or incident involving the lease car. As mentioned above, students driving their own cars are expected to deal with a claim resulting from a road traffic incident under the terms of their own insurance.

- 8.2. However, all driving accidents or incidents that occur when a student is involved in work-related/placement related driving must be recorded on an Accident and Incident Occurrence form and forwarded to the Health and Safety Officer, regardless of the ownership of the vehicle.
- 8.3. Any driving accident, incident or change of condition (e.g. chipped windscreen, flat tyre) involving a lease car must be notified to the hire company and the Directorate of Estate Management and Development contact [estates.admin@yorksj.ac.uk](mailto:estates.admin@yorksj.ac.uk) as soon as possible irrespective of the amount of damage. After any incident student will be issued with an Accident Form, this form must be completed and quickly and accurately as possible to enable insurance claims (where appropriate) to be raised and accident details to be kept on file.
- 8.4. Under no circumstances should the student driving, or anyone they are transporting, admit liability for an accident, enter into a discussion about blame, or offer to make any payment in relation to the accident.
- 8.5. Where possible, if not affected by injury and where it is safe to do so, the driver must note the registration number of the other vehicle(s) and take full names and addresses of each driver or person otherwise involved. This information should be provided by you in return. NB: Please do not accept a mobile telephone number as sole means of contact for another party as this information is often insufficient.
- 8.6. Where possible, contact details of witnesses must be obtained.
- 8.7. Take photographs of the incident if it is safe to do so, and also a detailed sketch (showing road markings) may help if liability is disputed later.
- 8.8. Once a lease car has been booked out to a student, the student is responsible (as they would be if the car was their own) for the cost of any damage whether it is their own fault or not. Damage under £250 will be invoiced to the student in full. Damage over £250 will result in an insurance claim and the student will be invoiced for the insurance excess of £250.
- 8.9. The student is also liable for any parking and speeding fines incurred whilst the car is their responsibility. These are normally paid by the hire company in the first instance and the fine, plus any administrative costs levied by the company, passed on to the student.
- 8.10. Lease cars must be returned to the hire company with a full tank of fuel. If this does not happen, the student will be charged for the full cost of refuelling at the premium rate charged by the hire company and they will not be eligible to claim this back as an expense.
- 8.11. In the event of a student being involved in an accident or incident which means the University has had to make a claim in which they are named, the student is bound to disclose this to their own insurers when seeking to buy or renew their personal insurance policy. Failure to do so may invalidate future insurance so it is vital to take advice from those professionally qualified to do so.

- 8.12. In the event of an accident or incident involving a lease car, provided the above provisions around notice have been complied with, the University will seek to arrange another vehicle to allow continued participation with the placement or approved University activity.
- 8.13. Where there have been accidents and/or incidents and/or traffic violations involving a lease car, students may be required to attend a meeting with a University representative where their continued use of a lease car is put under consideration and may be refused.

## **9. FITNESS TO DRIVE**

- 9.1. It is every individual's responsibility to ensure that they are medically fit to drive on the public highway, irrespective of whether they are doing so from individual choice or when required to for the purposes of work or study.
- 9.2. Students who propose to undertake work-related driving must inform staff if they have any medical condition or disability, whether formally diagnosed or not, which may impact on their ability to drive safely (e.g. epilepsy, diabetes or vision impairment). Very careful consideration should be given to making alternative travel arrangements in such a case to alleviate any driving-related risks; if adequate measures cannot be agreed this may mean a student cannot be permitted to use a vehicle leased by the University, but every effort should be made to ensure that the student is not unduly affected by this decision (i.e. student could be offered a local placement, bus transport or travel as the passenger of another student). However, the responsibility for disclosing any medical conditions remains wholly with the student. If in doubt about whether a condition needs to be disclosed or not see the government guidelines at: <https://www.gov.uk/browse/driving/disability-health-condition>

## **10. STUDENTS INCURRING ADDITIONAL CONVICTIONS OR DISQUALIFICATION FROM DRIVING**

- 10.1. A student who is currently driving for work-related reasons, or who is proposing to, is duty bound to inform the relevant University staff of any additional convictions (including penalty points) or periods of disqualification immediately. In accordance with the law, no individual may continue to drive on the public highway when they have been disqualified from doing so.
- 10.2. In the event of a student's disqualification from driving the student and relevant University staff should hold immediate discussions to decide on what action to be taken to assist the student to comply with the requirements of their course.

## **11. NON-PERMISSIBLE USE**

- 11.1. No University-owned or leased car may be used by the student for personal use (i.e. any journey that is not an essential part of the placement etc.). Student and Staff Guidance: Driving a car between the University and a placement is classed as business use. Making a detour of a mile or two to refuel the car is also permissible as this is an essential part of running the car. However, using the hire vehicle outside of placement times to make a trip to the supermarket or for leisure reasons is not a permitted use.