



The Premier Organisation for Fleet Operators

ACFO Best Practice Guide to Employee Driving Document Checking



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Employers have a legal responsibility to manage health and safety effectively and that includes all work-related driving activities.

A crucial aspect of ensuring legislative compliance is that all driver and vehicle documentation is legal.

This document focuses on the importance of fleet decision-makers checking driver licence validity, but it also highlights the importance of checking other documentation.

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Employers have a legal responsibility to manage health and safety effectively and that includes all work-related driving activities



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Executive summary

Licences to drive motor vehicles were introduced to the UK by the Motor Car Act 1903.

Today there are approaching 40 million people with full driving licences living in the UK, according to Government statistics, but as an employer how do you know that the document they carry is legal, or that they even have one?

The raft of information that a driving licence carries can be a minefield for the uninitiated but, as the Health and Safety Executive makes clear in its 'Driving at work: Managing work-related road safety' document, (accessible at <http://www.hse.gov.uk/pubns/indg382.pdf>), all employers have a clear duty of care to check the competency and capability of their at-work drivers.

Those checks, according to the HSE report, which has become established as the blueprint for occupational road risk management best practice, should start with management checking the validity of a driving licence on recruitment and periodically thereafter.

Employers should also check the validity of any occupational driving entitlements such as LGV/PSV (Large Goods Vehicle/Public Service Vehicle) as part of the recruitment process and periodically thereafter, if this is a requirement for the job description.

To start with all drivers must comply with British minimum age requirements. The key ones are 17 years for cars and motorcycles and 21 years for large lorries and buses.

But, beyond that the maze of driving licence bureaucracy takes over. Issues that you as an employer should know about in relation to every driver include:

- Groups of vehicle types they can drive
- Endorsements and disqualifications
- Medical conditions and disabilities
- Current address details
- Driving in Britain on a non-UK or EU licence

Such information is available to you either directly from an employee's driving licence or directly via a check with the Driver and Vehicle Licensing Agency (DVLA) or one of the many third party professional organisations undertaking licence checks.

Such checks can reveal, and in a number of cases have already revealed, numerous employee indiscretions, which include:

- Employees who did not have a licence despite claiming they did
- Employees who only had provisional entitlement to drive
- Employees whose provisional entitlement to drive had expired
- Employees who had 12 points on their licence and were on the verge of being disqualified
- Employees who had been disqualified under totting up
- Employees with live drink/driving offences
- Employees with recent periods of disqualification
- Employees who had failed to inform their employer of a serious, live motoring offence at the time of recruitment
- Employees who had failed to inform the DVLA of a change of address
- Employees who had failed to renew their photocard driving licence after the statutory 10-year period

All of these represent either an actual offence or a significant risk to the employer from an incident involving an employee "driving at work". As an employer you cannot afford to allow these situations to occur, which is why ACFO has compiled this Best Practice Guide to driver licence checking.

It sets out what is already seen as best practice across its members, for the process of checking employees' driving licences for entitlement to drive specific types of vehicle.

The guide is intended to help employers across the public and private sectors not only to ensure full legal compliance, but also to improve road safety and productivity. It may be used freely as part of an employer's overall policy on managing on-road risks.

Introduction

Whilst there is no current legislation that specifically requires an employer to check the driving records of their employees, there is in the Road Traffic Act 1988 (88) (2), a regulation that does have some relevance to business.

It says that 'it is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class'. (Note: "classes" (old UK) have now been replaced by "groups" (current EU terminology))

Therefore any employer who is found to have permitted a person to drive a vehicle on business - whether a company-supplied vehicle or a privately-owned vehicle, which is often known as the 'grey' fleet - without ensuring they have a valid licence, is guilty of an offence.

Crucially, organisations - particularly charities and public sector organisations - should also ensure that licence checking also extends to volunteer drivers as well as employees.

This document does not aim to address issues around vehicle ownership or whether there is any financial transaction involved in the use of the vehicle. Such responsibilities should be addressed through a written policy on the management of on-road risks.

However, it is important for chief executives, managing directors, directors, heads of department, line managers and fleet managers to understand that in the eyes of the law - for example The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations - employers have an absolute duty of care for all employees driving at work irrespective of the ownership of the vehicle.

By issuing a licence to an individual, the authorising body (the DVLA in the UK) is stating that



The Department for Transport estimating that up to 200 road deaths and serious injuries a week result from crashes involving at work drivers

the person has been deemed competent to drive the classification of the vehicle stated on that licence - generally by passing the appropriate driving test.

However, there are many types of UK driving record in circulation at present; with even more types issued outside of the UK due to the transitory nature of work forces in the 21st century.

The rules vary slightly but as a general rule any licence issued outside of the European Union is only valid in the UK for 12 months from date of entry into the UK - a date for "residence" purposes, which is not re-set by returning to home, or to any other country, for a holiday or other non-residence purpose.

European Licences are usually valid until the 70th birthday of the driver, unless removed by the authorities for any reason. Full details on driving in Britain on a foreign licence are available at <http://www.direct.gov.uk/en/Motoring/DriverLicensing/>

[DrivingInGbOnAForeignLicence/index.htm](http://www.direct.gov.uk/en/Motoring/DriverLicensing/DrivingInGbOnAForeignLicence/index.htm)

But, evidence from some members suggests that many people continue to drive on Britain's roads with invalid licences. In some cases that maybe due to an innocent oversight, while in other cases it maybe done in the knowledge that an illegal activity is being undertaken.

Either way, as the Government, police and Health and Safety Executive continue to extend their focus on reducing the number of at-work drivers involved in road crashes, employer compliance with health and safety legislation - and more recently legislation such as the 2007 Corporate Manslaughter and Corporate Homicide Act and the Health and Safety (Offences) Act 2008 - it is up to employers to ensure legal compliance.

With the Department for Transport estimating that up to 200 road deaths and serious injuries a week result from crashes involving at work drivers, more employees are being killed and

seriously injured on Britain's roads while driving on behalf of their employer than in any other work-related activity. It is of little surprise that the spotlight has turned on improving the safety of employees on the road in both the public and private sectors.

It should be remembered that a driving licence is not a certificate of competence, but merely the starting point for examining an employee's ability to drive. In the event of a crash involving an at-work driver, investigating police officers will want answers to questions about the driver, the vehicle and the journey.

One of those questions will almost certainly relate to the employee's driving licence. An inability to be able to answer questions and provide written evidence could be the start of a journey leading to managers/directors appearing in court and them and their company charged with committing any number of offences.

Part of the police investigation of any motor crash involving death or injury is now likely to focus on the purpose of the journey, and if this was "business" then guidance to police recommends following enquires with the employer (ACPO (Association of Chief Police Officers) Road Death Investigation Manual)).

This further investigation will almost certainly look at the written policies on at-work driving, including licence checking, vehicle safety and other policies in place.

Investigating officers have the authority to seize documents and computer equipment if they have reason to believe that the policies might – even to a small extent – have contributed to the circumstances of the crash. Such inquiries are undoubtedly administratively time-consuming and hugely damaging in terms of image and reputation. Can you afford not to check the validity of your employees' driving licences?



A driving licence checking system must be both simple and comprehensive

Driving Licence Checking Procedure

Having decided to implement a driving licence checking system it must be both simple and comprehensive. Therefore, it must be understood by all managers and employees and be simple to implement and manage. But it must be comprehensive enough to satisfy any investigating body that the company or organisation has done everything that can be reasonably expected of them to ensure drivers are appropriately licensed.

Equally, employees should be told the reasons why driving licences are being checked and, as part of their terms of employment, be made aware that it is their responsibility to comply with the policy; and subsequently inform their employer of any change in driving licence status. That will include anything from a change of address to an endorsement and a change of name following marriage to a disqualification.

Best practice dictates that the onus is on employees - whether they drive a company vehicle or their own vehicle on business trips - to inform their employer of driving licence changes. Any failure to do so can then be viewed by the employer as a possible breach of contract leading to, at the very least, some form of disciplinary hearing.

Organisations should appoint or nominate at least one person to manage whatever system is to be adopted. Employers should also ensure that the appointed person is given adequate training, time and resources with which to carry out the licence checks. There are a number of options available to organisations, each have their own merits and penalties. An organisation can do one or more, or combinations of all of the methods covered in this Best Practice Guide as we detail below.

However it is not acceptable to ignore licence checking as part of the overall occupational road risk management policy; or to adopt a system that is not implemented fully or regularly.



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Driving Licence Checking – What To Look For

All public and private sector organisations that require their employees to drive as part of their job - whether it is one mile a year or 25,000 miles or more a year - should adopt one or more of the driving licence checking methods detailed below. Employers should also be prepared to justify that decision to the enforcement agencies or any auditor. This process should be based on an appropriate risk assessment undertaken in line with the Management of Health and Safety at Work Regulations 1999 regulations and outlined in detail in the HSE's 'Driving at work: Managing work-related road safety' document.

UK Licences

Today, many employees will have photocard licences, which were first issued in July 1998 and carry a wealth of data. Crucially, unlike the 'old fashioned' paper licences - which continue to be in circulation - photocard licences expire after 10 years and must be renewed. Full details on how to read a driving licence and the information they contain is available at http://www.direct.gov.uk/en/Motoring/DriverLicensing/DG_068315 In addition, the counterpart document of the photocard driving licence and the paper driving licence contains any endorsement details. Further information is available at http://www.direct.gov.uk/en/Motoring/DriverLicensing/EndorsementsAndDisqualifications/DG_4022550

EC/EEA Licences

All European Community licences are in the same format, which means employers do not need to understand the language of the licence as the numbers of specific parts will provide the information required.

The key areas of a European Community driving licence are:

Section 3: Date of Birth

Section 4b: Date of Expiry of the Photograph (photocard licences)

Section 8: Driver's Current Address

Section 9: Licence Categories. This includes the date when those categories cease to be valid

Convictions: Will detail the current enforcement situation of the driver.

Full details on driving in Britain on a licence issued in a European Community/European Economic Area (EC/EEA) country are available at

http://www.direct.gov.uk/en/Motoring/DriverLicensing/DrivingInGbOnAForeignLicence/DG_4022556

Licences issued in the European Community and European Economic Area makes up two groups that are treated equally. The full list is: Austria, Belgium, Bulgaria, Czech Republic, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Portugal, Slovenia, Slovakia, Spain, Sweden, United Kingdom. Meanwhile, the UK, in line with EU regulations, is moving to make it harder for disqualified drivers to take to the roads.

In 2010 a new law to keep disqualified drivers off UK and Irish roads has come into force. As a result of a groundbreaking agreement between the British, Irish and Northern Ireland Ministers, UK drivers disqualified for serious motoring offences in Ireland will be subject to exactly the same penalties when they return home. Similarly, disqualifications earned by Irish drivers whilst in the UK will be recognised and enforced when they return to Ireland. The new law is the first practical step to recognise driving disqualifications across Europe under the terms of the 1998 European Convention on driving disqualifications.

Driving in Britain on a non-UK or EC/EEA licence

Employees who are a visitor, resident or student in Britain and still have a driving licence issued in the country they have come from, must abide by certain conditions that affect how long they can drive, and the vehicles they can drive in Britain. The rules are different for visitors and residents.

Visitors: Provided the full licence or driving permit remains valid, employees may drive vehicles up to 3.5 tonnes and with up to eight passenger seats, for up to 12 months (not reset by holidays) from the date of coming to Britain. However, they may only drive large vehicles which have been registered outside Britain and which they have driven into the country.

Residents: Holders of a valid ordinary driving licence (car, moped, motorcycle entitlement) can drive any category of small vehicle shown on the licence for up to 12 months from the time of becoming resident. To ensure continuous driving entitlement a provisional B licence must have been obtained and a driving test(s) passed before the 12-month period elapses.

Full details on the regulations are available at: http://www.direct.gov.uk/en/Motoring/DriverLicensing/DrivingInGbOnAForeignLicence/DG_4022561



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Driving Licence Checking Frequency

The frequency of driving licence checking should be determined in each organisation according to the initial risk analysis carried out by the organisation.

Generally, best practice dictates that every six months every employee who drives a vehicle on any journey in connection with the business or organisation should have their licence checked by a clearly stated process. The exact process may vary depending on the management view of the risk assessment and the resources available.

However, following an initial driving risk assessment of each employee as recommended in the HSE's 'Driving at work: Managing work-related road safety', employers may decide that certain categories of employees require more frequent licence checks. That is why, as recommended in this Best Practice Guide (see Driving Licence Checking Procedure), employers should make it a condition of employment for staff to inform them of any licence changes.

Employers should photocopy all parts of each employees' driving licence for record keeping purposes and the copy should be signed and dated by the appointed person. The appointed person will then confirm that the details on that licence match those in the employee's personnel file. This is only a starting option and should not be presented as the definitive. See "who undertakes the task" – below.

These details for clarity are:

Driver number - information on how to decode this is available at http://www.direct.gov.uk/en/Motoring/DriverLicensing/DG_068315

- Check that the address of the licence holder is valid and matches the one on their employment file
- Check the date of birth of the licence holder matches the one on their employment file
- Check the licence categories match those vehicles that the licence holder may be required to drive
- Check the licence issue number is the latest according to the DVLA

Driving Licence Checking – who undertakes the task

Employers effectively have three choices when it comes to who undertakes the licence checking. They can either do it in-house and it is recommended that one person is appointed to carry out the task so they become expert in the analysis of driving licences and compile a structured system for checking and recording information.

In organisations with only a single office a sole employee is likely to have the responsibility. However, in public and private sector organisations with a number of departments it could mean that one person per building has the checking responsibility and then forwards the required information to a central repository - perhaps the fleet department or in other organisations the HR department.

Employers should photocopy all parts of each employees' driving licence for record keeping purposes and the copy should be signed and dated by the appointed person. The appointed person will then confirm that the details on that licence match those in the employee's personnel file.

Advantages of in-house checking:

- No external cost to the business
- Evidence of licence checks and a history of those checks are readily available on the premises

Disadvantages of in-house checking:

- Relies on the honesty of licence holders
- It may be time-consuming to complete
- Requires the person undertaking the licence checks to understand the licence
- Requires the person undertaking the licence checks to be organised



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Licence checking with the DVLA

All employees and new recruits would be required to sign a mandate authorising their employer to seek details of their driving history from the DVLA (or appropriate issuing authority). The mandate is typically valid for three years and allows the employer to check directly with the DVLA for details of the person's driving record.

The process involves faxing or posting the signed mandate to the authorising body, which will then send a reply detailing the driver's record.

Advantages of DVLA checking:

- There is no reliance on people being honest
- The information is accurate as it is the basis of all legal controls

Disadvantages of DVLA checking:

- Only currently works for people who hold a UK licence or UK paper counterpart
- Does involve an external cost
- Can be paper intensive maintaining the mandates.

Third party licence checking

All employees and new recruits would be required to sign a mandate authorising their employer to seek details of their driving history from the issuing authority (DVLA in the UK) (as for option 2).

The mandate is typically valid for three years and allows the third party organisation to bulk check licences directly with the issuing authority on the employers' behalf and report back directly.

Advantages of third party checking:

- Ideal for large disparate groups of people
- They can report only those people who have issues you have identified as important

Disadvantages of third party checking:

- Can be expensive to undertake
- The third party agency will need access to employer's HR department to verify employee date of birth and home address information.

And finally.....

Driver licence validation is just one process that should be included within an all-embracing driver and vehicle documentation checking process.

For company-provided vehicles - whether owned or leased - ensuring that vehicles have valid Vehicle Excise Duty licences, have valid MoT certificates if applicable, are serviced and maintained in accordance with manufacturer recommendations and are correctly insured for business use should all be considered as 'routine' matters for fleet decision-makers.

However, the same checks should also be undertaken on all privately-owned vehicles driven on business. The HSE's 'Driving at work: Managing work-related road safety' document makes it clear that employers are responsible for any vehicle driven on business irrespective of ownership. Therefore, to comply with duty of care best practice - and legislation - it is essential that robust and comprehensive checks on all vehicle and driver-related documentation, in addition to driving licences, is carried out. This should include checks on:

Vehicle Excise Duty

All vehicles are required to have a valid Vehicle Excise Duty disc when on the public highway. The cost of VED is linked to a vehicle's carbon dioxide (CO₂) emissions with discounts available for alternatively-fuelled vehicles such as electric vehicles, hybrid and liquefied petroleum gas models. Employers should check that all vehicles driven on business display a valid VED disc. An offence is committed if a valid disc is not displayed. Recommended best practice is for fleet decision-makers to establish a documented process involving a physical inspection of vehicles to ensure a disc is correctly displayed.





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MoT - Ministry of Transport Test

Cars and vehicles up to 3,500kg GVM on reaching the age of three-years-old and ALL lorries are required to submit to an annual MoT test on the first anniversary of the vehicle. A supplying leasing company may issue reminders of MoT due dates up to six weeks before due date. However, this does not absolve drivers/business managers from being aware of MoT due dates and ensuring that certificates are current. If a vehicle is stopped by the police and the driver is unable to show a current MoT certificate, it will be the driver who will be prosecuted. The penalty for driving a vehicle on the road with an expired MOT certificate is a fixed penalty notice from the police, currently £60, or a court fine up to a maximum of a £1,000.

Fleet managers should request copies of all certificates and the copy should be kept in the employee/vehicle file. Managers should also put in place a system to ensure staff are



Maintenance of all vehicles driven on business should be carried out by a competent garage - franchised, independent or fast-fit

reminded that an MoT on their vehicle is imminent and to supply a copy of the new certificate.

When a vehicle is tested at a testing station the test record will be entered on to a secure central database managed by the Vehicle and Operator Services Agency (VOSA). Drivers will then be given either an A4 size MoT (pass) certificate or notification of failure. The certificate is the receipt for the MoT test and shows the information that's held on the database. Further information is available at http://www.direct.gov.uk/en/Motoring/OwningAVehicle/Mot/DG_4022108

Vehicle service history

All vehicles should be serviced and maintained in accordance with manufacturer recommendations laid down in the vehicle handbook.

Maintenance of all vehicles driven on business should be carried out by a competent garage - franchised, independent or fast-fit.

In addition, at least monthly checks should be carried out on vehicle tyres (including the spare) to ensure they are the correct pressure - incorrectly inflated tyres can increase fuel consumption by up to 10% and can endanger lives - and meet the minimum legal tread depth requirement.

Tyre pressure should be checked against the vehicle manufacturer's recommended level. This can be found in the vehicle handbook and on a plate which is often located inside the fuel filler flap or on the driver's door sill. Current UK law states that tread on car tyres must be a minimum of 1.6mm across the central three quarters of the tread, around its entire circumference. Drivers found in breach of this law face a fine of up to £2,500 and three penalty points for each illegal tyre.

Drivers should also be advised to ensure they undertake regular checks on fluid levels - particularly oil and water. To ensure best practice recommendations are undertaken by drivers, fleet managers are advised to complete regular visual spot checks on all vehicles driven on business.

Fleet chiefs should also ensure they compile a comprehensive record of the history of all vehicle service, maintenance and repair work, dates of visual inspections and a record of any remedial work requirements and dates of when vehicle services are due.



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Insurance

There are numerous categories of insurance policy to choose from and with no standardisation across the insurance market, employees are frequently in the dark over the type of cover they require to be legally watertight when driving their own car on company business.

With thousands of employees driving their own cars on business, opting out of company cars and choosing a cash alternative, personal contract purchase arrangement or employee car ownership scheme, the onus is on employees, fleet managers and HR departments to ensure the correct insurance cover is purchased.

There are five major types of insurance policies: social domestic and pleasure; social, domestic, pleasure and commuting (commuting is defined as driving to one permanent place of work; therefore driving to a training course would mean the trip was made with invalid insurance in place); class 1 business use (social, domestic and pleasure and use by the policy holder or spouse/partner in person in connection with their business or profession); class 2 business use (the same as class 1 but including 'commercial travelling'); class 3 business use (aimed at the door-to-door salesman who is also collecting money).

The majority of employees opting out of company cars will require either class 1 or class 2 business insurance. However, because of different definitions and interpretations by insurance companies on what is business use and what is classed as 'commercial travelling' there is no standard policy for employees to purchase. The type of cover required will be defined by the employee's job and will vary between insurance companies.

Employers should keep copies of all drivers' insurance documentation on file.

Conclusion

Driving licence checking is a vital component in compiling an adequate risk assessment of each employee and, indeed, the whole organisation in terms of at-work driving.

With the entire public and private sectors focused on reducing their risk exposure, a failure to undertaking licence checks on all employees who drive on business and volunteer drivers should be considered as a fundamental weakness in health and safety and duty of care policies and procedures.

Indeed, the information gathered from licence checking should put employers and employees on the road to a safer future.

The information gathered will help highlight where individuals are a 'low', 'medium' or 'high' risk when behind the wheel. As a result, employers will be able to provide remedial training, help, advice and information to reduce any perceived risks and simultaneously improve the safety of their most valuable asset - staff - and that of the entire organisation.

DRIVING LICENCE CHECKING: YOU CAN'T AFFORD NOT TO DO IT!



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What is ACFO?

ACFO has been working hard for fleet operators since the early 1970s. It is a not-for-profit organisation, and is the largest UK body representing the interests of organisations that operate cars and vans as part of their normal commercial activities. There are some 800 members, collectively responsible for over 500,000 vehicles in the UK fleet market.

ACFO's main purpose is to help fleet operators to improve the quality and cost-effectiveness of their business travel operation.

Members are represented within ACFO by a named delegate, usually the fleet or transport manager of the member organisation. There is, however, a very wide range of job titles involved, reflecting the different styles of fleet operation.

ACFO provides both a national representation platform, and regional networking opportunities, to support its key objective of improving the discipline and craft of fleet management, and its status.

As a result of ACFO's standing and expertise on all fleet issues relating to the public and private sectors, the organisation was asked by former Transport Minister Dr Stephen Ladyman MP to compile a Fleet Best Practice Guide, of which this is the first part.

Further information

ACFO - <http://www.acfo.org/>

Brake - <http://www.brake.org.uk/>

BusinessCar magazine - <http://www.businesscar.co.uk>

Department for Transport - <http://www.dft.gov.uk/>

Driving for Better Business - <http://www.drivingforbetterbusiness.com/>

Driving Standards Agency - <http://www.dsa.gov.uk/>

DVLA - <http://www.direct.gov.uk/motoring>

Fleet Risk Consultants <http://www.fleetriskconsultants.co.uk/>

Health and Safety Executive - <http://www.hse.gov.uk/>

RoadSafe - <http://www.roadsafe.com/>

Road Safety GB - <http://www.roadsafetygb.org.uk/>

ROSPA - <http://www.rospea.com/>