
Transportation of Service Users by Staff in Vehicles Policy
(Previously known as: Transportation of Clients / Colleagues by Staff in Vehicles Policy)

Please be aware that this printed version of the Policy may NOT be the latest version. Staff are reminded that they should always refer to the Intranet for the latest version.

Purpose of Agreement	To outline the Trusts position regarding the transportation of service users by staff using their own vehicles and escorting service users in Taxis.
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Amendment summary

No.	Doc Ref.	Change	Reason
1	1	Document review	Full document review – to incorporate reference to transporting colleagues (in accordance with the Travel and Subsistence Policy)
2	2	Amended section 4.2 and 9	Cross reference to Non-emergency Patient Transport Service (NEPTS)

Review Log

Version Number	Review Date	Name of Reviewer	Ratification process	Reason for amendments
3	August 2018	AD Corporate Affairs and Company Secretary	Policy Steering Group Assurance Committee	Scheduled review
4	August 2021	Chief of Staff	Policy Steering Group, Clinical Executive Group	Scheduled review - no changes made. Policy was approved subject to HQP Adults Portsmouth review. Policy continued to be reworked via service lines. To be presented back to future PSG – changes highlighted in yellow
	July 2022, then September 2022	Head of Quality & Professions, Mental Health	Policy Steering Group, Clinical Executive Group	Second and third formal presentation to Policy Steering Group, following above outlined history – further changes made as requested, including title of policy change

Policy Summary

The Trust acknowledges that during the course of their work, employees working within specific services, may as part of their role, be required to transport service users in their own vehicle, i.e. a vehicle owned by the staff member, or via taxi.

To ensure so far as is reasonably practicable, the safety of employees and those they carry in their private vehicles, Managers must develop and implement processes that are proportionate to the level of risk, whenever service users are being transported in private vehicles or escorted via Taxi.

Whilst this is considered an ‘umbrella’ policy for the Trust, local Service Managers are required to develop and implement local service level operating procedures (L-SOPs), including:

- Ensuring that an appropriate risk assessment is completed prior to agreeing to staff transporting service users. A generic risk assessment considering factors to consider is contained in **Appendix C**.
- Seeking assurance that staff who are transporting service users have declared this/informed their manager, and that the necessary checks have been completed. An example annual declaration form in **Appendix B**.

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POLICY ON THE TRANSPORTATION OF SERVICE USERS BY STAFF USING THEIR OWN VEHICLES & ESCORTING SERVICE USERS IN TAXI'S.

1. Introduction

- 1.1 Every year an estimated third of all road traffic collisions involve somebody who is at work at the time.
- 1.2 Irrespective of whether the employee is driving their own vehicle or one provided by their employer, it is often believed that providing the employer has checked that employees hold a valid Full UK driving licence, that their vehicles have a valid MOT certificate and have business insurance, they have done enough to ensure the safety of their employees and others.
- 1.3 However, given that the employee is undertaking a work activity on behalf of the Trust, the general requirements of the Health and Safety at Work Act 1974 and associated regulations will apply. Consequently, the risks associated with these activities for employees, service users and others must be assessed, documented and effectively managed.

2. Policy Statement

- 2.1 The Trust acknowledges that during the course of their work, employees working within specific services, may as part of their role, be required to transport service users in their own vehicle, i.e. a vehicle owned or leased by the staff member, or via taxi.
- 2.2 To ensure, so far as is reasonably practicable, the safety of employees and those they carry in their private vehicles, Service Managers (i.e. those with responsibility for staff members who may be required to transport/escort service users) will develop and implement systems of work that are proportionate to the level of risk, whenever service users are being transported in private vehicles or escorted via Taxi.
- 2.3 Staff should also refer to the relevant sections within the Mental Health Act Policy and Deprivation of Liberty Safeguards and The Mental Capacity Act 2005 Policy regarding the transfer of service users as well as the multi-agency protocol covering s136 conveyance (concerning the Mental Health Act).

3. Scope

- 3.1 This policy applies to locum, permanent, and fixed term contract employees (including apprentices) who hold a contract of employment or engagement with the Trust, and secondees (including students), volunteers (including Associate Hospital Managers and Patient Safety Partners), bank staff, Non-Executive Directors and those undertaking research working within Solent NHS Trust, in line with Solent NHS Trust's Equality, Diversity and Human Rights Policy. It also applies to external contractors, agency workers, and other workers who are assigned to Solent NHS Trust. An equality impact assessment has been included within Appendix A.
- 3.2 The policy has been compiled to provide guidance to managers and employees on the arrangements for transporting service users in private vehicles and taxis, including Trust-owned, leased and pool vehicles. This policy does not stand in isolation and is supported by the Trusts' Health & Safety Policy.

- 3.3 The guidance contained within this policy incorporates the requirement to undertake risk assessments in accordance with the Management of Health & Safety at Work Regulations 1999 and relevant guidance, i.e. INDG382 Driving at Work.
- 3.4 Whilst comprehensive, the document is not exhaustive and as such all employees are required to take reasonable care of their own health and safety and that of others who may be affected by their activities, e.g. service users.

4. Duties and Responsibilities - Managers

4.1 **Managers responsible for employees who transport service users in vehicles and taxis** shall ensure that:

- A generic risk assessment considering those factors contained in Appendix C has been undertaken for all driving activities where staff transport service users in private vehicles and taxis.
- They develop and implement systems of work that so far as is reasonably practicable, ensure the safety of staff, service users and others who may be affected by the activities being undertaken.
- Where appropriate the Service develops a local procedure (L-SOP) in collaboration with advice from the Trusts' Health & Safety Advisor.
- The significant findings of assessments are recorded and brought to the attention of those employees concerned.
- They ensure that staff are provided with adequate information, instruction and training to enable them to undertake their job safely and that such duties are included within the staff members job description.
- Ensure that the staff member is insured on their vehicle for business travel in accordance with the Travel and Subsistence Policy and can carry passengers under this policy.
- That the driver has a current (i.e. within the past three years) DBS check in accordance with the Trust's DBS policy.
- That the driver, where this is a staff member, is not put at risk from fatigue caused by driving for excessive periods or distances without appropriate breaks
- They keep a local log detailing, for example; the following;

Employee Name	Job Title	Service	Vehicle Reg No.	Insurance Details			MOT	Licence		
				Valid date (Y/N)	Covered for business use (Y/N)	Car is the same as individual is claiming to use on business (Y/N)	Has MOT certificate been checked and is in date(Y/N)	Full licence (Y/N)	Name of country of issue	Licence holder valid to drive in UK?

(An example annual declaration form in Appendix B has also been included, for illustration purposes, and can be used as a basis for which managers can record details of staff members who may be required to use their personal vehicle for the purpose of transporting service users)

- If using a taxi to transport service users, that a preferred firm is used and the vehicle is suitable for transporting the service user.
- Managers (and staff) will also comply with the requirements of Travel and Subsistence Policy.

4.2 In addition, the following points must be considered

- An informal risk assessment must be conducted in each case, the outcome of which will be the development of safe systems of practice to meet the needs of the service user group concerned and advice should be sought from the Head of Risk and Litigation and the Health & Safety Advisor by the relevant Service Manager.
- And in the case of transporting children (those under the age of 18 years): Whether the vehicle has appropriately fitted 'age appropriate' child car safety equipment (e.g. car seats/booster seats etc). Such equipment should be provided by the carer/parent and fitted by the carer/parent. In exceptional circumstance and where the carer/parent is unable to fit the child safety equipment, an ambulance or patient transport must be arranged.
- Staff should also be aware of the Non-Emergency Patient Transport Service (NEPTS) run by South Central Ambulance Service NHS Foundation Trust (SCAS) Tel: 0300 0135 003. If the service user is violent, a secure transport provider will be used to transport (Secure Care UK Tel: 0203 598 5938). Service users detained under a s136 by police will be transported to a place of safety by the agreed secure transport conveyance provider.

5. **Duties and Responsibilities – Employees transporting service users in vehicles (i.e. driving their own vehicles or vehicles owned/hired/leased by the Trust)**

5.1 **All drivers of private vehicles** used to transport service users have duties and responsibilities regarding their own health and safety and that of those they transport. In accordance with the Trust's Creating a Smoke Free Workplace Policy, smoking is not permitted in vehicles whilst transporting service users.

5.2 **At all times employees acting as drivers** must practice and promote a safe working environment and:

- Must ensure that they are fit to drive and are not under the influence of alcohol and/ or drugs and hold a current driving licence. Staff must also inform their manager immediately if their ability to drive changes / or for example if the driver has committed any driving offenses.
- Make themselves familiar with the findings of the risk assessment and safe working procedures.

- Follow the correct policies and procedures prescribed within the assessment.
- Ensure their vehicle is registered, has a valid MOT (if older than 3 years old) is taxed, has business insurance and that the lights, horn, mirrors, brakes, etc are operating correctly, i.e. their vehicle is fit for use on the public highway;
- Ensure that they, as the driver, wear a seatbelt and ensure that passengers under 18 years of age also wear seatbelts at all times. (It is the responsibility of the adult passenger, over the age of 18 years, to ensure that they wear a seatbelt).
- Ensure that when used to carry equipment, their vehicle is correctly loaded and that the loads are secure.

5.3 **All drivers** are expected to maintain and drive their vehicles in a safe manner, for example, drivers shall:

- Ensure the vehicle is driven in accordance with the Law;
- Ensure their vehicle is roadworthy;
- Ensure the vehicle is not overloaded;
- Never carry passengers other than in the seats provided;
- Never drive for excessive periods and ensure that regular breaks are taken
- Update their managers immediately on any matters concerning their eligibility to transport passengers in private vehicles; such as (for example);
 - Any incurred driving violations/suspensions in licence
 - if the vehicle is considered no longer roadworthy
 - if insurance cover or MOT expires

5.4 If the staff member is claiming expenses for the trip it will be necessary to comply with the Travel and Subsistence Policy.

5.5 Drivers must also inform their manager if they have committed any driving offences.

6. **Accompanying / Escorting passengers via Taxi**

6.1 In cases where a service user requires transportation and does not have access to a vehicle; where public transport is not an option and an ambulance or secure transportation is not required, the practitioner may need to accompany the service user in a Taxi. Staff should be using one of the firms the Trust has a contract with, in such instances.

6.2 Where the need arises to transport a service user via a Taxi, the staff member should follow their local protocols regarding lone working. In addition, staff should undertake a dynamic, real time assessment of the situation and consider the:

- Risk of harm to other staff and themselves; including for example, considering whether the service user is under the influence of alcohol or drugs. Consider whether the service user

is safe to be transported in a car/taxi, including whether the service user could impede the driver in safe driving

- Risk of harm to the service user;
- Current state of health of the service user
- Consider whether an ambulance is more appropriate to transport the service user, based on assessment of the service user's physical health. In a medical emergency, no other form of transport should be used.

6.3 At all times the safety of the staff member is paramount and staff should not put themselves in any position that poses as a risk to them. Staff should consult with their line manager regarding any issues of concern and ensure that a risk assessment is completed in accordance with Trust policy and incident form completed for any occurred incidents and/or near misses.

7. SUCCESS CRITERIA / MONITORING EFFECTIVENESS

7.1 All accidents will be reported in accordance with the Trusts Incident Reporting, Investigation and Learning Policy.

7.2 The effectiveness of this policy will be reviewed and monitored by the number of incidents reported in relation to the transportation of Service Users.

7.3 New and existing staff will be made aware of the policy and compliance will be monitored by their line managers.

7.4 Any changes or amendments required to this policy as a result of the above will be incorporated in the next review.

8. Review

8.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed 3 years from initial approval and thereafter on a triennial basis unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.

9. Links to Other Policies & Supporting Documents

- Mental Health Act Policy – inc. sections 3.84 -3.87 relating to service user conveyance
- The Deprivation of Liberty Safeguards and The Mental Capacity Act 2005 Policy
- the multi-agency protocol covering s136 conveyance (in relation to the Mental Health Act).
- Risk Management Framework
- Health and Safety Policy
- Lone working Policy
- Moving and Handling Policy
- Incident reporting, Investigation and Learning Policy
- The Safe Carriage of Clean/Decontaminated Work Equipment in Staff Member's Own Vehicles Policy
- Travel and Subsistence Policy
- Creating a Smoke Free Workplace Policy,

- <https://www.gov.uk/government/collections/drivers-hours-rules-and-guidance>
- Disclosure and barring

Appendix A

Equality Analysis and Equality Impact Assessment

Equality Analysis is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

Equality Impact Assessment (EIA) is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

Equality Impact Assessment (EIA)

Step 1: Scoping and Identifying the Aims	
Service Line / Department	Corporate
Title of Change:	Transportation of Service users / Colleagues by Staff in Vehicles Policy
What are you completing this EIA for? (Please select):	Policy <i>(If other please specify here)</i>
What are the main aims / objectives of the changes	To provide guidance to managers when staff are involved in having to transport service users in their own vehicles or escort/accompany service users in taxi's
Step 2: Assessing the Impact	

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on service users in the drop-down box below. If there is no impact, please select "not applicable":

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Not applicable	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex			X	
Gender reassignment			X	
Disability		X		Use of wheelchair-accessible vehicles where required
Age			X	
Sexual Orientation			X	
Pregnancy and maternity			X	
Marriage and civil partnership			X	

Religion or belief			X	
Race			x	

If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	Yes	MHA MCA lead and Professional Lead for MH Services, Head of Service user Safety, Safeguarding Team, H&S Lead
Have you taken into consideration any regulations, professional standards?	Yes	https://www.gov.uk/government/collections/drivers-hours-rules-and-guidance

Step 3: Review, Risk and Action Plans

How would you rate the overall level of impact / risk to the organisation if no action taken?	Low	Medium	High
	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What action needs to be taken to reduce or eliminate the negative impact?			
Who will be responsible for monitoring and regular review of the document / policy?			

Step 4: Authorisation and sign off

I am satisfied that all available evidence has been accurately assessed for any potential impact on service users and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.

Equality Assessor:	Ben Martin-Lihou	Date:	21/06/2022
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Appendix B

Example Annual Declaration Form for Transporting Service users /Colleagues in personal vehicles

This template is used as an illustrative example only.

PERSONAL DETAILS			
Name of Employee			
Job Title			
Service			
Usual place of work			
Vehicle Registration Number			
INSURANCE DETAILS (attach a copy of the original insurance certificate)			
Check original insurance certificates and policy booklets to ensure	<ul style="list-style-type: none"> • Valid dates • Specifically allows business use • Passengers (where service users) insured • Car is the same as the individual is claiming to use on business 	<ul style="list-style-type: none"> • Yes/No • Yes/No • Yes/No • Yes/No 	
MOT CERTIFICATE DETAILS (attach a copy of the original if applicable)			
Does the vehicle require an MOT certificate i.e. is it over 3 years old?	Yes	No	
If answered, Yes to above, is MOT document an original and is it in date? <i>(Electronic document checking is permissible)</i>	Yes	No	
DRIVING LICENCE DETAILS (attach a copy of the original)			
Is the driving licence a full licence (i.e. not provisional)?	Yes	No	
Name of country that issued licence:			
Is the licence holder valid to drive in the UK? If unsure please confirm with the DVLA	Yes	No	
Does the licence have any endorsements or un-expired driving bans	Yes	No	

To be completed by the Service Manager

I hereby declare that I have checked the aforementioned staff members;

- Driving Licence
- Vehicle tax
- Insurance Policy
- MOT certificate

Name: _____

Signature: _____

Date: _____

Once completed, the Service Manager must retain the form

I hereby declare that the above information is correct and that I am insured for Business purposes.

Name: _____

Signature _____

Date: _____

Appendix C

RISK ASSESSMENT – FACTORS TO CONSIDER

As part of the risk assessment process, prior to transporting passengers or equipment in their vehicles managers shall undertake a generic risk assessment and consider:

- **The Driver:**
 - Whether the driver has relevant previous experience;
 - Pre-employment checks, health conditions and previous references;
 - The validity of the driving licence on recruitment and periodically thereafter;
 - Ensuring drivers are aware of this policy on work-related road safety and that they understand what is expected of them;
 - The need for written instructions and guidance and/or training;
 - Reminding drivers that they:
 - must be able satisfy the eyesight requirements set out in the Highway Code;
 - should not drive or undertake other duties whilst taking a course of medicine that might impair their judgement.
- **Private vehicles**
 - Whether the vehicles are fit for the purpose for which they are used;
 - Whether the vehicles are maintained in a safe and fit condition;
 - Whether drivers know how to carry out basic safety checks;
 - Whether seatbelts and head restraints are fitted correctly and that they function properly (particularly in the consideration of transporting children);
 - When transporting children ensure the correct child seat is used
 - Whether drivers have access to information that will help them reduce risks;

- **The Journey/needs of the Service user**
 - Undertaking a dynamic assessment of the journey that considers the hazards of lone working, the risk of harm to service user (i.e. self harm), risk of harm to staff, the probability of the service user being under the influence of alcohol or drugs, etc;
 - Whether it is safe to transport service users or equipment in the type of vehicle;
 - Whether the medical condition of the service user increases their risk when being transported by staff in private vehicles;
 - Whether sufficient time has been allowed to complete journeys safely;
 - Whether drivers are being put at risk from fatigue caused by driving for excessive periods or distances without appropriate breaks;
- **Assisting service users in/out of vehicles and/or loading and unloading**
 - Getting in and out of vehicles can be potentially dangerous, particularly in low light/dark conditions.
 - In all cases drivers are to position vehicles appropriately to the road layout/conditions. As it is impossible to consider every variation that might occur on any given day, drivers must undertake a dynamic (real time) risk assessment prior to parking, loading and unloading their vehicles and adjust their activity, parking positions, etc, accordingly.