



MOBILE PHONES & DRIVING POLICY

DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
	SEStran	1.0	FINAL	Policy Adopted
Oct 2017	SEStran	1.1	FINAL	Adoption of version control

MOBILE PHONES AND DRIVING POLICY

1. INTRODUCTION

As a good employer and in recognition of the statutory duty of care to employees, SEStran recognises that operating a mobile phone while driving may reduce concentration and contribute to the likelihood of an accident.

2. POLICY STATEMENT

The purpose of this policy is to reduce the likelihood of an accident by informing and educating staff about the responsible use of mobile phones in vehicles and protect SEStran employees from possible prosecution.

In accordance with the Road Vehicles (Construction and Use) (Amendment) (No 4) Regulations 2003, SEStran prohibits the use of hand held mobile phones while driving, except in case of emergency. This Policy applies to all employees including those who use their own private car for work purposes.

3. LEGISLATION

According to legislation:

- Drivers must not use hand-held mobile phones while driving
- Drivers may carry hand-held phones in their vehicles but while the car engine is switched on, the phone must be switched off, switched to divert or switched to a message service.
- Before making or receiving a call on a hand-held mobile phone, drivers must be safely parked with the car engine switched off.
- Any driver found to be in breach of these rules may be subject to disciplinary action and prosecution.
- The offence carries a fixed penalty of £60 or a fine on conviction of up to £1000, 3 penalty points and the risk of disqualification.

It should also be noted that anyone who “causes or permits” the use of a hand-held mobile phone by a driver will also be liable for prosecution. In view of this, managers must not expect, instruct or in any way pressure staff to answer the phone while they are driving.

Hands-free phones, which are not held at any time during use are permitted while driving. This includes making and receiving calls though dialling out is only permitted when the phone is in its cradle.

4. DEFINITIONS

Hand Held Device - A hand-held device is something that 'is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function'. Examples of interactive communication functions are sending and receiving spoken or written messages, sending or receiving still or moving images and providing access to the internet.

Driving - Driving refers to any time the engine is running, even if the car is stationary. This includes times when stopped at traffic lights or during other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while.

5. IMPLEMENTATION AND ENFORCEMENT

The Partnership Director is responsible for enforcing the mobile phones and driving policy.

Managers are responsible for the promotion and maintenance of the policy by their staff and will receive training and guidance regarding their responsibilities in relation to the policy and enforcement of it.

It is the responsibility of employees to comply with the terms and conditions of the Policy and to inform their manager of anyone who fails to comply with the policy.

Failure to conform to the requirements of the Mobile Phones and Driving Policy may give rise to disciplinary action and prosecution.

6. REVIEW

The Partnership Director, in conjunction with the Performance and Audit Committee will monitor and review this policy on an annual basis.