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THIS POLICY IS FOR:	Staff including Agency Workers (temporary workers), Commissioners and Service Users

## VEHICLE INSURANCE

### WARNING:

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# VEHICLE INSURANCE POLICY

## 1. PURPOSE

- 1.1 To ensure that vehicles used for business are properly insured. Where the vehicle is a private car, this must have business insurance that is appropriate for the journeys being undertaken.
- 1.2 To support Nursing Direct in meeting the following Key Lines of Enquiry/Quality Statements as set out by the Care Quality Commission (CQC).
- 1.3 To meet the legal requirements of the regulated activities that Nursing Direct is registered to provide:
  - Corporate Manslaughter and Corporate Homicide Act 2007
  - The Care Act 2014
  - Health and Safety at Work etc. Act 1974
  - Management of Health and Safety at Work Regulations 1999
  - The Workplace (Health, Safety and Welfare) Regulations 1992
  - Road Traffic Act 1988
  - The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

## 2. SCOPE

- 2.1 The following roles may be affected by this policy:
  - All Staff including Agency Workers
- 2.2 The following Service Users may be affected by this policy:
  - Service Users
- 2.3 The following stakeholders may be affected by this policy:
  - Family
  - Advocates
  - Representatives
  - Commissioners
  - External health professionals
  - Local Authority
  - NHS

## 3. OBJECTIVES

- 3.1 To ensure that vehicles driven by Staff including Agency Workers to transport Service Users during work time, are correctly insured.
- 3.2 To ensure that Staff including Agency Workers who drive are competent by ensuring that they have a valid driving licence on file. Staff including Agency Workers must notify Nursing Direct of any penalty points, road convictions etc. at any time during their employment with Nursing Direct.

## 4. POLICY

- 4.1 Staff including Agency Workers at Nursing Direct will ensure that they have the correct level of car insurance for driving to and from work, driving for work, and when transporting other Staff including Agency Workers and if authorised to do so, transporting Service Users.
- 4.2 Nursing Direct recognises that it has a responsibility under the Health and Safety at Work Act to ensure that Staff including Agency Workers who provide transportation for Service Users have vehicles that are roadworthy and have the correct level of motor insurance.

Nursing Direct will confirm with Staff including Agency Workers who use their own vehicle for the business of Nursing Direct, that they are properly insured. Copies of the documents will be kept on the Staff including Agency Worker file, and a note made of the insurance policy expiry date, when a new copy will be requested.
- 4.3 Nursing Direct will also check the driving licence of any Staff including Agency Workers using their own vehicle for business purposes and validate that the Staff including Agency Worker is licensed for the proposed activity. A copy of the licence will be held on the Staff including Agency Worker file and a note will be made of the expiry date of the licence, so that a copy of the new licence can be requested as the expiry date approaches.
- 4.4 Staff including Agency Workers should note that should there be any change in their driving licence status, or their insurance cover and they use their vehicle for business purposes, they must immediately inform Nursing Direct. Not informing Nursing Direct of any matter which may affect their legal status as a vehicle driver, in relation to the business, may lead to disciplinary proceedings.
- 4.5 If Nursing Direct provides a vehicle that is used for business purposes, including the transportation of Staff including Agency Workers or Service Users, Nursing Direct will ensure that it has the appropriate business insurance, and that the vehicle's use is always in accordance with the terms of the policy. This would include any adaptations such as safety devices, e.g. tailgates and ramps being properly maintained and serviced.

- 4.6 Nursing Direct will check that any privately owned vehicles transporting its Staff including Agency Workers and Service Users (other than registered taxis) have adequate and appropriate insurance for that purpose.

In some cases, a Motability vehicle may be in use and the required documentation, including insurance, should also be in place for such vehicles.

- 4.7 Where Nursing Direct has a pool or lease car, it will ensure that it has the correct insurance and that Staff including Agency Workers driving the vehicle have a full driving licence with any endorsements declared. Nursing Direct will agree whether a clean driving licence is required. It is the Staff including Agency Worker's responsibility, when driving the vehicle, to report any concerns about it and they must understand that they have a responsibility for any fines or penalties incurred whilst driving the vehicle.
- 4.8 The use of alcohol whilst driving is prohibited and there is no exemption. Likewise, the use of drugs (other than prescribed and deemed to not adversely affect driving) will be prohibited and there is no exemption.

Staff including Agency Workers found to be under the influence will not be allowed to drive or enter the work environment, and where necessary appropriate steps will be taken.

If Staff including Agency Workers takes prescribed medication, they must let Nursing Direct management know and this must be declared as a named driver for a package of care. Only with the full knowledge of management which is fully documented and having checked that the medication does not adversely affect Staff including Agency Worker's ability to drive, can Staff including Agency Workers drive for work-related purposes.

## 5. PROCEDURE

- 5.1 Nursing Direct must carry out an assessment of the adequacy of the insurance cover of any Staff including Agency Worker who have been asked to, or who have volunteered to use their own vehicle to run errands, and in particular to transport other Staff including Agency Workers during shift or Service Users for any purposes.

A vehicle cannot, under any circumstances, be used for carrying other persons than the insured as paid for ("for reward") transport. This activity requires a taxi licence and insurance.

### 5.2 Staff including Agency Worker Responsibility

- It is the responsibility of the Staff including Agency Worker to ensure that their own vehicle insurance cover is adequate for the driving activity. It is an offence to drive without appropriate insurance, and in this situation, the Insurers will repudiate the policy leaving the driver personally liable for all claims.
- It is the responsibility of the Staff including Agency Worker to ensure that their own vehicle is roadworthy and motor insurance, an MOT and Tax is in place.
- Staff including Agency Workers must always check their insurance policy, and if they are unsure if they are covered, they must contact the insurance company, explain the exact circumstances of the proposed use, and ask for written confirmation of cover.
- In the event of not receiving confirmation of cover, drivers are advised not to carry out the activity in question until suitable cover, which can be qualified by documentation, is in place.

### 5.3 Nursing Direct Responsibility

- To undertake risk assessments for Staff including Agency Workers who have to drive whilst on shift.
- The management team will ensure that, as part of recruitment, Staff including Agency Workers have the correct insurance, and that evidence of their driving licence is produced.
- To request that any endorsements, cautions, or convictions are declared and ensure that local policy is followed in relation to any positive disclosures.
- To understand obligations in relation to driving and Health and Safety at Work Act.
- Nursing Direct management will ensure that any company pool or lease cars are insured correctly and are well maintained.

### 5.4 Vehicle Owner Responsibility

- The vehicle owner of the Motability vehicle, must ensure that;
- The required documentation, including insurance, should be in place.
- The Staff including Agency Worker has evidenced proof of driving licence to be added to the insurance policy.

- 5.5 All Staff including Agency Workers who use a private or company car for work-related purposes for Nursing Direct must complete a pre-inspection of the vehicle before their first journey of the day to ensure the following:

- There is sufficient fuel in the vehicle for the range required
- The vehicle has sufficient water, oil, and coolant etc.
- The tyre pressure is correct on all tyres, and they are not driven below 1.6mm tread on the lowest tread area of the tyre
- There is no damage to any of the tyres
- That the brakes, lights, windscreen wipers and horn all work effectively

## 6. DEFINITIONS

### 6.1 Staff including Agency Workers

- 6.1.1 **Staff**  
Denotes the employees of Nursing Direct Healthcare Limited.

- 6.1.2 **Agency Workers**  
Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

6.2 **Nursing Direct**

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

6.3 **Nursdoc Limited**

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

6.4 **CQC (Care Quality Commission)**

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

6.5 **Business Insurance**

This is a legal document to protect the driver or Nursing Direct Healthcare Limited against damage to vehicles or other property damaged by vehicles driven for a premium. Having the appropriate insurance for the vehicle and the function it will fulfil is a legal requirement


6.6 **Corporate Manslaughter and Corporate Homicide (CMCH) Act**

Under the CMCH Act, an employer can be prosecuted for the offence if, due to senior management failure, it grossly breaches a relevant duty of care which results in an individual's death

**OUTSTANDING PRACTICE**

To be 'outstanding' in this policy area you could provide evidence that:

- Nursing Direct understands the implications of the Health and Safety at Work Act and puts measures in place to ensure that Staff including Agency Workers and Service Users are safe when driving
- Mechanisms are in place to check vehicle insurance documents on recruitment and periodically thereafter, and a process is in place to manage positive disclosures relating to convictions and cautions
- Robust risk assessments are in place which are regularly update

<b>COMPLETED DATE:</b>	
<b>SIGN OFF DATE:</b>	
<b>REVIEW DATE:</b>	
<b>SIGNED:</b>	 Marc Stiff – Group Managing Director