

Employees using their own Vehicles on Trust Business

Effective: November 2006 Reviewed: November 2009 Review: November 2012

1. Introduction

A number of people use their own cars in connection with their work for the Trust.

This has health & safety, transport and insurance implications for the Trust and employees themselves, and presents certain risks that need to be managed.

Employees' own cars are deemed to be *a place of work* when used on their employers' business, with consequent duties falling upon employers to assess the risks and take reasonable, practicable precautions.

The risks include vehicles being unroadworthy or unsuitable for the purpose, or the drivers being unlicensed or uninsured, leading in turn to the risk of accidents and injuries, potentially followed by compensation claims and prosecutions under road traffic law or health and safety legislation.

This policy sets out responsibilities falling upon individuals who use their own cars for business, and upon Trust managers to manage the insurance risks.

(A) Employees' Responsibility

2. Basic Insurance Requirements

- 2.1 All employees using their own cars in connection with Trust work must ensure they have a current motor insurance policy providing, as a minimum, full third party insurance.
- 2.2 They must ensure that this extends to cover use by the employee in person in connection with the business of his/her employer.
- 2.3 They must also ensure cover is provided for carrying passengers and goods where applicable, but should remember the Trust does not permit employees to carry patients, and permission must be sought from their line manager before clinical waste products are carried. (The Trust Health and Safety Adviser will give guidance to managers on this latter point where necessary) The goods themselves do not need to be insured.
- 2.4 Employees must check their policies closely and contact their insurance companies or advisers regarding these points if there is any doubt. Any confirmation should be requested in writing.
- 2.5 Employees must remember their insurance may be invalidated if all material facts are not disclosed to their insurance companies (i.e. facts that would influence an insurance company on whether to provide insurance or the premium they charge.) They may also face prosecution for using a vehicle without insurance.

3. Joint Use

Where an employee is using a car insured in his/her partner's name they must be particularly careful they have cover for Trust business. Many motor insurance policies provide cover for use in connection with the business of the policyholder and his/her spouse – but this must be checked. The insurance certificate should make this clear.

4. Road Fund Licence

It is the responsibility of the employee to ensure that their vehicle is covered by a valid Road Fund Licence.

5. MOT Certificate and vehicle condition

It is also the responsibility of the employee to ensure their car is roadworthy and suitable for the purpose for which it is used. They must have a valid MOT certificate for a car requiring a certificate under current legislation.

(B) Managers Responsibility

6. Inspection of Insurance Certificate

Managers of employees using their own cars for Trust business as an essential part of their job must, at least annually, request sight of their employees' certificates of insurance to ensure they are valid at the time of inspection, and record the fact they have been inspected. All other employees should be made aware of this policy.

(C) General

7. Damage to employees' vehicles

7.1 Although the Trust does not require the user to insure his or her own car against damage to or loss of the vehicle it must be clearly understood that the Trust cannot accept liability for any such damage or loss.

7.2 In the event of an accident employees should comply with the terms of their insurance policies regarding notifying their insurers, and with the Trust Incident Management Policy.

8. Leased Cars

This policy applies only to individual employees' own cars and does not apply to leased cars, for which separate arrangements apply.

9. Trust Business

This policy covers employees using their own vehicles in connection with Trust business. It does not cover journeys to or from the usual place of work. Most insurance companies would not regard commuting to the driver's usual, permanent place of work as 'business use' (provided business calls are not made on the way). They may, however, regard driving between hospital sites as 'business use'. If there is any doubt about this point, clarification must be sought from the insurers of the car.

10. Trust Employees

This policy applies to all employees of the Trust plus volunteers and people undertaking study or work experience. Trust directors, governors, committee members etc., should also consider their use of their own vehicles on Trust business and contact their insurance company or advisers if there is any doubt about their insurance cover.

11. Monitoring and Review

This policy will be reviewed annually in November each year.

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