

National Agreement between Royal Mail Specialist Services (RMSS) and the CWU on the Road Traffic Accident Procedure 2015

Background

Royal Mail Specialist Services (RMSS) and the Communication Workers Union are working together in developing key business policies, mutual interest solutions and a new culture, which is at the core of all the commitments contained in the BT2010 Agreement and the recently endorsed Agenda for Growth, Stability and Long Term Success Agreement.

Both parties recognise that creating the right IR and collaborative working environment is key to the general success of RMSS, and are committed to achieving the above by resolving all local issues and concerns across the wider operation without recourse to disagreement wherever possible.

A key component of the joint vision and agenda going forward is the reaffirmation of the joint commitments aimed at improving road safety, included the agreed introduction of a Royal Mail Specialist Services Road Traffic Accident Procedure.

This compliments the joint development of a range of initiatives designed to reduce occupational road risk through improvement in drivers, awareness, skills, knowledge and confidence.

Principles

Our vehicles deliver in every part of the country 6 days a week, throughout the year. As such we have a duty of care not only to our employees but to other road users and the general public. We recognise that the pressures on our drivers have never been greater. Against this backdrop Royal Mail Specialist Services and the CWU are serious about the safety of our drivers and other road users and are committed to making significant improvements in our road safety performance through a fresh approach to how we investigate and support drivers following an accident.

Key to this is the creation of an environment where development needs are identified with appropriate support and training provided to ensure that RMSS drivers are able to excel in the performance of their duties. The guiding principle behind these joint activities is one of improving driving standards and **“Keeping Our Drivers Driving”** and to this end the process is designed to provide clear guidance for managers dealing with accidents. The RTA Procedure will provide the tools and the opportunity to enable our drivers to improve their skills and address areas of concern in a supportive, non punitive environment.

The procedure focuses on the reporting of accidents, the investigation process, the deployment where necessary of appropriate training and the decision process on blameworthiness. The highest priority is to reduce and where possible prevent road traffic accidents through the adoption of appropriate training interventions and safe driving techniques for drivers.

This agreement does not seek to exclude the application of the Conduct Code where behaviours are a clear breach of the standards expected within the code. However, it is agreed that a mechanistic approach or trigger point based on the use of the conduct code is not appropriate as a means of managing road traffic accidents.

Removal from driving may be appropriate in some instances; however this will only be considered in line with the process contained within this agreement and on the basis that the intention is preventative rather than punitive.

All cases will be assessed and dealt with according to the individual circumstances of the accident to identify the cause of the accident and to minimise the risk of reoccurrence.

A flow chart and model letters are included in the appendix to support the practical implementation and ongoing day to day use of this procedure.

Safe Driving Code of Practice

The RTA Procedure complements the Safe Driving Code of Practice which outlines the responsibilities of RMSS drivers and managers in ensuring the safety of themselves and others. Every driver and manager has a duty to uphold the standards outlined in this code.

Scope

The procedure applies to all current RMSS operational drivers and will be reviewed periodically. The aim is to ensure that a uniform procedure is applied throughout the business ensuring that every RMSS employee is treated fairly, the case fully investigated and dealt with promptly.

Reporting Process

Managers should commence the reporting and investigation process in a prompt manner, and with completion normally within seven days

Following a Road Traffic Accident (RTA), the driver must inform their Line Manager as soon as possible, to ensure ERICA is completed within 24 hrs. The completed ERICA must be forwarded to the Accident Management Centre (AMC).

Following the reporting of an accident, Royal Mail Specialist Services managers have a primary responsibility to ensure the welfare of the driver including in more serious cases the recovery of the driver and vehicle. When an accident involves injury to the driver, the relevant local CWU IR and Regional Health and Safety Representatives should also be notified at the earliest opportunity.

This procedure is in line with the normal process of notifying Health and Safety Representatives of accidents on duty

After a serious accident, irrespective of blameworthiness, a driver may suffer trauma. This may manifest itself immediately after the incident, or the effects may be delayed. If a manager becomes aware, or suspects that a driver may be suffering from trauma, he/she should be offered the services of our Occupational Health team at the first available opportunity. Where a RMSS driver has been involved in a fatal accident the services of our Occupational Health team should be made available to him/her immediately, and their advice sought on the driver's fitness to return to work or driving duty.

Post-Accident Investigation

Initial discussion

The investigating manager should meet the driver within 24 hours of any road traffic accident, the manager will ask for a preliminary verbal account of the circumstances relating to the accident to enable a basic assessment and to establish the facts.

The purpose of this is to:

- Check/ensure the welfare of the driver and arrange appropriate support where necessary.
- Fully explain the investigation process to the driver.
- Explain to the driver that it is their legal responsibility to notify their private insurance provider if they have any RTA's whilst driving for work regardless of fault. Failure to do so may invalidate their private insurance.
- Hand the driver a copy of the insurance letter and the Driver Statement Form which should be completed and returned within the 24 hour period. This should ensure that the driver is able to provide a full account of the accident while the events are fresh. However it is recognised that accidents can be stressful and exceptional circumstances may arise where a driver may request more time to complete the necessary reports, and this would not normally be refused.

If the line manager suspects an underlying medical condition contributed to the accident, professional advice should be sought from our Occupational Health team immediately.

The vehicle must be presented to a Fleet and Maintenance Services (F&MS) Service Centre at the earliest opportunity for inspection with a PFMT1 (vehicle fault report form). This will enable identification of any vehicle faults which may have contributed to the accident.

Route/Site Hazard Review

From this initial account the investigating manager should consider whether the investigation would be enhanced by a visit to the scene of the accident to assess whether there are remaining hazards which could present an ongoing risk to other RMSS drivers. In circumstances where an accident involves serious injury to any person or major damage to property (including vehicles) or when the police are involved, a manager should always perform a Route/Site Hazard review where it is safe and practical to do so. In the case of a fatal accident, reporting processes relating to the Fatal Accident Procedure shall apply.

The investigating manager should also check on the Driver Risk Assessment (DRA) status of the driver and if this has not been completed, arrangements will be made to facilitate the completion of the DRA on-line profile within 14 days of the accident.

Precautionary Removal from Driving Duties

In the event of an accident being categorised as serious as defined below consideration may be given to a precautionary removal from driving pending completion of the investigation, depending on the nature of the accident this may involve temporary re-assignment to a non driving duty or precautionary suspension.

On this basis such action should only be taken in appropriate circumstances in order to protect the safety of employees, other road users and the general public. The driver may also request temporary reassignment to non driving duties (see below). The decision should be communicated to the driver on a face to face basis.

Full consideration will be given to the individual's earnings and attendance patterns during the period of removal from driving. Wherever possible, a non driving duty will be allocated with attendance hours similar to that of the duty the individual was previously performing, however it may be necessary to consider alternative attendance patterns. A degree of flexibility is expected from both parties in these circumstances. In such cases this will be discussed with the driver with full account taken of any relevant personal circumstances. In all cases, the individuals pay and assigned allowances will continue to be paid during the period of the investigation.

Serious Road Traffic Accidents

A road traffic accident should be considered serious if it causes:

- Fatal or serious injury to any person(s) involved in the accident.
- Major damage to property (including vehicles).

and/or as a consequence of the Royal Mail Specialist Services driver:

- Failing to observe or comply with mandatory sections of the Highway Code.
- Driving in a dangerous and/or negligent manner.
- Driving whilst under the influence of drink or drugs (including prescribed medicines).

Reinstatement Following Precautionary Removal From Driving

When a driver has been precautionary removed from driving and has not been found blameworthy they will normally be reinstated to driving duties at the conclusion of the investigation.

Where the outcome of the investigation has recommended one or more training interventions, reinstatement will be enacted once the action plan/interventions have been successfully completed and performance restored.

Precautionary removal from driving for prolonged periods should be avoided and managers should prioritise the allocation of training interventions ensuring timely deployment.

Temporary Reassignment – Drivers Request

It is recognised that involvement in a road traffic accident can be a traumatic experience. As such a temporary reassignment from driving will be deemed appropriate where the driver believes that they have been adversely affected by the incident and requests not to drive. In such instances the removal from driving will be reviewed after 24 hours and at intervals of 24 hours thereafter.

Where an individual's request not to drive exceeds 48 hours, professional advice will be sought from our Occupational Health team with appropriate support and counselling provided where necessary. In circumstances where a driver's request was the sole reason for precautionary removal from driving, the individual will normally be restored to driving duties on request.

Where a driver requests long term reassignment from driving duties, cases will be dealt with in line with the appropriate agreed resourcing process.

Formal Investigation Process – Fact Finding Interview

Once the initial investigation and Driver Statement has been completed and returned the driver will be invited to a Formal Fact Finding interview. This will normally be held within two days, subject to the complexity of the initial accident investigation. This meeting will be to review all documentation, provide an opportunity for further clarification and raise any mitigating evidence before any decisions are made.

At this meeting the driver may be accompanied by their CWU Rep or a work colleague from within the Royal Mail Group. Appropriate release from duty will be arranged to allow the driver to properly prepare and participate in the fact finding interview.

Full opportunity will be given to the driver at the fact finding stage to raise extenuating circumstances, contributory factors and points of mitigation.

Following the Fact Finding Interview the manager will consider all available evidence. This should include:

- Completed Driver Statement.
- Outputs from Route/Site Hazard Review where appropriate.
- 3rd Party Statements, where appropriate.
- F&MS Vehicle Condition Report.
- Police Report, where appropriate.
- Witness Statements, where appropriate.
- Points raised by the driver or their representative at the Fact Finding Interview.
- Driver History.

All evidence will be considered in a fair and balanced manner. Following full consideration of all the available evidence a decision must be made by the investigating manager on whether the RMSS driver was at fault for the accident or not.

Formal Investigation Process – Decision Meeting & Driver Interventions 1:1

The manager's decision must be communicated to the driver face to face and in writing (using the appropriate model letters).

The following outcomes are possible:

Not Blameworthy - The driver should be advised of the decision.

If after a full investigation, the line manager cannot decide who is to blame, the benefit of the doubt will be given to the RMSS driver.

Blameworthy - The driver should be advised of the decision.

It will be the responsibility of the manager to provide full detail of the rationale for the decision and any supporting information on which it relies. Copies of the full investigation report and decision must be sent to Lex Autolease.

As part of this decision meeting, the driver interventions 1-2-1 will take place to discuss what type of support or training is required and the appropriate next steps to be taken in line with the procedures detailed below.

Where the Conduct Code procedure is applied in relation to the accident, the RTA Procedure should be suspended until the case is concluded. The formal fact finding interview will form the basis of evidence gathering for the Conduct Code. Following the conclusion of the conduct procedure, it may be that the RTA Procedure is re-visited for training/support purposes.

Blameworthy Decision- Appeal

The above investigation process is designed to ensure that investigating managers fully consider all available evidence and treat each case on the specific individual circumstances. As such the manager's decision will normally be considered to be final.

For those cases where conduct is inappropriate, the driver will be entitled to appeal the decision. For clarity this appeal will refer only to any decision on blameworthiness.

In the first instance any request for an appeal will be submitted in writing clearly outlining the reason for challenging the decision, e.g. the investigation has not taken into account all the available evidence. This should be done within three working days of communication of the blameworthy decision.

Where the driver appeals the case, papers will be passed to the manager hearing the appeal who will be at the next level of authority to where the decision was made.

The driver will be invited to a formal appeal hearing where they may be accompanied by their CWU representative or a work colleague from within the Royal Mail Group. All papers relating to the case(s) including witness statements, police reports, accident damage reports and possibly 3rd party statements, available from Lex Autolease (or Strata Solicitors acting on behalf of Lex) which the line manager used in making the decision will be made available to the employee at least 48 hours prior to the Review Meeting.

The outcome of the appeal should be communicated to the individual as soon as possible and normally within 5 working days. Where this timescale cannot be achieved the individual will be informed of the reason and the expected delay. The appeal decision will be sent to Lex Autolease (or Strata Solicitors acting on behalf of Lex) and the individual driver history updated as appropriate.

Post Investigation - Training Interventions

As described above, as part of the decision meeting, the driver and the investigating manager are required to have a Driver Interventions face-to-face meeting to discuss the investigation and agree an action plan and training intervention's as appropriate.

The key aim is to encourage and support individuals to attain the high standards of performance required of all drivers at all times. The primary emphasis is on positive encouragement through counselling, support and the effective application of appropriate training interventions. It is recognised that the approach to this aspect may vary depending on the type, frequency or severity of the accident. If a driver has been removed from driving pending investigation, then any intervention to support the driver, as a result of the face-to-face meeting should be planned in as part of driver development and completed as quickly as practicable.

At this meeting, the driver may be accompanied by their CWU Rep or a work colleague from within Royal Mail Group.

Single Blameworthy Accident (minor)

Based on the details and contributory factors of the accident the most effective intervention will be selected and agreed. Where managers require expert advice on specific training interventions, assistance may be sought from the Royal Mail Road Safety & Compliance Team.

Interventions need to be considered alongside the DRA profile and related to the type of accident that has occurred. An intervention does not necessarily take the form of a driving course or in-cab training.

The action plan must be signed by both driver and manager and must be completed within 42 days of the accident occurring. Once the relevant intervention has been completed a copy of the action plan and training file must be kept locally.

Multiple Blameworthy Accidents (2 or more minor)

Based on the details and contributory factors of the accident and the previous accident history the most effective intervention will be selected and agreed. Where managers require expert advice on specific training interventions, assistance may be sought from the Royal Mail Road Safety & Compliance Team.

The face-to-face meeting will review the nature of previous accidents; assess any similarities or patterns, and the appropriateness and effectiveness of previous training interventions. Where a number of similar minor accidents have occurred (i.e. reversing), appropriate in-cab training will be selected.

The action plan must be signed by both driver and manager and must be completed within 42 days of the accident occurring. Once the relevant intervention has been completed a copy of the action plan and training file must be kept locally.

Where a driver completes 24 months without a further accident, any further minor accident will be considered as a single accident.

In cases where a number of accidents suggest an issue of capability despite the deployment of appropriate training interventions, including in-cab support, consideration will be given to removal from driving duties, in line with the terms of the Capability Procedure.

Serious Accident

Where a driver has been found blameworthy following a serious accident a risk analysis must be carried out to understand the dangers or risks of the driver remaining on driving duties.

In such circumstances consideration should be given to an external driving assessment prior to the face-to-face meeting. The outputs from the assessment will then be used to influence a review of available interventions which could restore performance. Based on the details and contributory factors of the serious accident the most effective intervention will be selected. Where managers require expert advice on specific training interventions, assistance may be sought from the Royal Mail Road Safety & Compliance Team.

Action plans must be signed by both driver and manager and must be completed within 42 days of the accident occurring. Once the relevant intervention has been completed a copy of the action plan and training file must be kept in the drivers file.

In cases where an assessment identifies serious driving flaws, appropriate consideration will be given to removal from driving.

Consideration of Removal From Driving

Through the prompt and consistent deployment and application of the RTA Procedure, removal from driving on a long term basis should only be considered where appropriate training interventions, including in-cab training have been implemented and performance has not been restored to an acceptable level.

If it becomes necessary to consider the removal of an individual, due to capability, from driving duties this needs to be considered against the principles of the Road Traffic Accident Procedure.

Relevant Factors

Removal from driving on a long term basis should only be considered in cases where:

- After the completion of the range of appropriate interventions, expert advice suggests that the expected driving standards have not been achieved.
- Where agreed training interventions relating to a previous accident have been completed and there are subsequent accidents of a similar nature.
- Following a Serious Blameworthy Accident where an assessment identifies serious risks in allowing the individual to continue to perform driving duties.
- Where our Occupational Health team recommend removal on Health or Welfare grounds. (On occasion, the GP's opinion may differ from that of the Occupational Health Service. For further advice, please contact the HR Advice Centre)
- Consideration has taken place of suitable non-driving duties or redeployment opportunities.

Where removal relates to Health or Welfare grounds, decisions will be subject to review where expert advice suggests a change in circumstances which would allow a return to driving duty.

Procedure To Be Followed

Invitation to interview

The line manager should invite the driver to a formal interview, giving 48 hours notice, to determine if he/she should be removed from driving. The driver may be accompanied by their CWU representative or a work colleague from within the Royal Mail Group. All relevant records from Lex Autolease (or Strata Solicitors acting on behalf of Lex), training interventions, and any independent expert advice will be made available to the individual before interview.

Decision not to remove from driving

If after interview the line manager decides removal from driving is not appropriate, the driver is advised of the decision.

Removal from driving

If after interview the line manager decides that removal from driving is appropriate, the driver is informed of the decision. The driver can then request an appeal against this decision. Any request for an appeal will be submitted in writing clearly outlining the reason for challenging the decision. The decision to appeal must be communicated within 3 working days of receipt of the letter. The line or office manager will have to make suitable alternative employment arrangements for the period of removal from driving.

When there is no appeal

If the driver does not request an appeal, the line manager should record the decision and keep locally.

Decision to appeal

If the driver appeals against removal from driving, the papers are passed to the manager hearing the appeal who will be out of the line at the next level of authority to where the decision was made. At the appeal hearing the individual may be accompanied by his/her trade union representative or work colleague from within Royal Mail. The appeal is a hearing at which the appropriate manager will re-hear the case in its entirety.

Outcome of appeal

The outcome of the appeal should be communicated to the individual as soon as possible and normally within 5 working days. Where this timescale cannot be achieved the individual will be informed of the reason and the expected delay. If the appeal is successful the individual is reinstated to driving duties and this decision communicated to him/her as soon as possible. A Driver face-to-face Interview should take place to select and agree the most appropriate training intervention.

If the appeal is unsuccessful this should be communicated face to face and in writing.

Redeployment

Where removal from driving duties is confirmed a full assessment will be made of redeployment positions across all Royal Mail Group sites within reasonable travelling distance in line with the terms of the Capability procedures, which may include alternative class driving. Royal Mail Specialist Services will aim to find the most suitable available non driving duty, taking into consideration issues such as location, attendance patterns, including any requirements relating to the Equality Act or family friendly commitments and opportunities to mitigate any potential loss of earnings. Full account should be taken of any personal hardship before a redeployment decision is taken.

In reviewing redeployment options a list of all available vacancies will be shared with the driver and their representative.

Return to Driving Duties

Under the terms of this procedure all drivers will have the opportunity to return to driving duties once evidence exists that acceptable performance has been restored.

Following a period of 12 months (or in exceptional circumstances 6 months) from the date of removal from driving duties all individuals will have the right to request consideration of a return to driving duties. Where redeployment has been to a position in Royal Mail individuals will have the ability to apply for driving duties in Royal Mail or Royal Mail Specialist Services. Due consideration will be given to this provided the individual:

- Is in possession of the appropriate valid driving licence.
- Is assessed as medically fit to drive, where appropriate.
- Is willing to undergo a driving re-assessment.
- Is willing to complete any appropriate training interventions to ensure the required standard is met relevant to the particular driving duties.

The above steps must be successfully completed prior to any return to driving duties. Where the assessment indicates that acceptable performance has been restored the driver will be eligible to apply for the next available driving duty in line with the appropriate agreed resourcing procedure. In such circumstances precedence will be given to the returning driver over external candidates.

Procedure For Dealing With Medical Or Welfare Problems

Referral to Occupational Health

If the line manager believes that the driver may have a medical or welfare problem, or the driver indicates that this may be the case precautionary removal from driving duties should be considered. The driver should be referred to our Occupational Health team. This should not delay the completion of ERICA.

Medical conditions: drivers' responsibilities

Drivers should be advised that they have a personal responsibility for informing their line manager if they become aware of a medical condition that may affect their fitness to drive official vehicles.

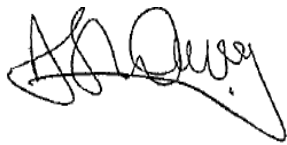
Drivers should be made aware that under the Road Traffic Act 1988 it is a criminal offence to fail to notify the DVLA that they are suffering from a relevant disability or disease that may affect their ability to drive safely.

No medical and/or welfare problem

If our Occupational Health team confirm there is no problem, the driver should be informed accordingly and the remainder of the Road Traffic Accident Procedure followed. If the driver is currently removed from driving duties, the decision to allow a return to driving duties can be taken in conjunction with the blameworthy decision at the discretion of the line manager.

Medical and/or welfare problem

If a problem exists, and the decision has been made to remove the employee from driving, the decision should be communicated on a face to face basis (see model letter 13). The driver can request an appeal against this decision. The intention to appeal must be communicated within 3 working days of receipt of the letter. The decision should also be recorded in the driver's personal file.



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