



Driving Licence with Medical Restrictions in Frontline Operations Procedure

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1 Aims and Objectives

- 1.1. The South East Coast Ambulance Service (The Trust) recognises that colleagues may require alternative working arrangements due to driving licence restrictions having been imposed due to a medical condition.
- 1.2. The Trust is committed to facilitating and exploring such opportunities where these can be reasonably accommodated.
- 1.3. The purpose of this procedure is to inform colleagues of the options, the conditions of eligibility and the process to be followed.

2 Scope & Eligibility

- 2.1. Frontline clinicians with driving licence restrictions due to medical conditions should be considered for alternative working options unless there is a clear demonstrable operational reason why this is not practicable.
- 2.2. There should be no arbitrary barriers and managers and colleagues should aim to reach a mutually beneficial outcome.
- 2.3. This does not however provide colleagues with an automatic right to these alternative options.
- 2.4. Current staff with temporary or permanent driving licence restrictions will be considered under this procedure for reasonable adjustments or temporary redeployment.
- 2.5. New applicants with a recognised medical condition and a temporary or permanent driving licence restriction will be considered for employment if reasonable adjustments are available in line with this procedure.
- 2.6. Colleagues could have temporary restrictions applied to their driving licence for 1, 2, 3 or 5 years depending on the condition or this could be a permanent restriction.
- 2.7. Where the need arises following a driving licence restriction imposed by Driver and Vehicle Licencing Agency (DVLA), e.g. removal of C1 driving category the following considerations are available:
 - Reasonable adjustments
 - Temporary redeployment
 - Permanent redeployment
- 2.8. This procedure will not be applied for colleagues who have had driving licence restrictions applied for any other reason (e.g. disqualified from driving).
- 2.9. Frontline clinicians include anyone working regularly on a frontline Double Crewed Ambulance.
- 2.10. There is an expectation for clinicians to return to their full substantive duties once temporary driving restrictions have been lifted.



3 Reasonable Adjustments (Permanent or Temporary)

- 3.1. Frontline clinicians with driving restrictions would ideally work on a double crewed ambulance with a member of staff who is able to drive for the duration of the shift.
- 3.2. The staff member with restrictions must work with an equal clinical grade or less.
- 3.3. It may be necessary to move onto an individual rota pattern and/or change base location to facilitate the change.
- 3.4. Due to one member of staff completing the driving element, they must be in agreement.
- 3.5. Other reasonable adjustments should be considered on a case-by-case basis.

4 Temporary or Permanent Redeployment

- 4.1. Temporary or permanent redeployment will be considered in line with the Redeployment Policy.
- 4.2. Temporary redeployments can be considered for the duration of the driving licence restriction.

5 Process and Principles

- 5.1. At the earliest opportunity, member of staff who has a medical condition likely to affect driving to inform their line manager who will inform an on-duty manager.
- 5.2. Line manager must discuss concerns or declarations with HR and Driving Standards Manager to sort guidance on suitability to continue driving.
- 5.3. Line manager to inform staff member not to drive Trust vehicles until advice and guidance has been taken.
- 5.4. Line manager to notify Driving Standards Manager with the following information:
 - Staff members name
 - Job title
 - Medical condition causing restriction
 - Supporting evidence/documentation
 - Type of restriction (i.e. C1 category only)
 - Duration of restriction
- 5.5. Line Manager to complete occupational health referral.
- 5.6. For driving related reasonable adjustments, a Driving Standards Review Panel (DSRP) will be convened consisting of a Driving Standards



Manager, Operating Unit Manager, Security Manager and Risk Manager to provide guidance to possible outcomes.

- 5.7. In considered necessary, experts such as HR will be invited to the DSRP.
- 5.8. The chair of DSRP will ensure each case remains anonymous.
- 5.9. The DSRP will consider all elements of the driving restriction, including appropriateness of blue light driving where the colleague retains their B category for SRV working, suitability for reasonable adjustments, risk, and health and safety considerations.
- 5.10. Line manager to inform staff member of outcome and next steps.
- 5.11. New applicants with medical restrictions to driving licence could be considered for employment. At the earliest opportunity, HR recruitment team to notify Driving Standards Manager for progressing to a DSRP.
- 5.12. Alternative working options will be given full consideration and confirmed in writing.
- 5.13. In considering reasonable adjustments or redeployment, the Trust will not discriminate unlawfully against the colleague.
- 5.14. One working arrangement will not set a precedent or create the right for another colleague to be granted a similar change.
- 5.15. All changes to working arrangements should be in adherence with the Trust's Working Time Directive Policy and NHS terms and conditions of service.
- 5.16. Any colleague who applies for redeployment for another position within the Trust would be doing so at the hours/conditions agreed at the recruitment stages.

6 Driving Licence Law

- 6.1. Medical standards apply for all Group 1 (e.g. B category) and Group 2 driver (e.g. C1 category)
- 6.2. The Group 2 licensing entitlement is valid for a maximum of 5 years. Group 2 licences must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without an upper age limit. Shorter licences may be issued for medical reasons.
- 6.3. All initial Group 2 licence applications require a medical assessment by a registered medical practitioner (recorded on the D4 form). The same assessment is required again at 45 years of age and on any subsequent reapplication.



- 6.4. In law it is the duty of the licence holder or applicant to notify DVLA of any medical condition that may affect safe driving.
- 6.5. Drivers also have a legal duty to notify DVLA of any injury or illness that would have a likely impact on safe driving ability (except some short-term conditions that are unlikely to continue beyond 3 months).
- 6.6. Drivers should also adhere, with ongoing consideration of fitness to drive, to prescribed medical treatment, and to monitor and manage the condition and any adaptations.
- 6.7. Driving while using emergency exemptions is not the responsibility of DVLA, these decisions are made by the Trust.
- 6.8. Advice and guidance can be obtained from the Driving Standards Manager.

7 Driving and Notifiable Medical Conditions

- 7.1. Any existing member of staff who develops a new medical condition or disability, or a condition or disability that has got worse since the licence was issued, is notifiable to the DVLA.
- 7.2. Drivers must ensure they submit the relevant forms to the DVLA promptly and notify their Line Manager.
- 7.3. They must ensure that any correspondence from medical professionals are provided to the DVLA when requested.
- 7.4. Notifiable conditions are any that could affect your ability to drive safely and can include:
 - Diabetes or taking insulin
 - Syncope (fainting)
 - Heart conditions (including atrial fibrillation and pacemakers)
 - Sleep apnoea
 - Epilepsy
 - Strokes
 - Glaucoma
- 7.5. You must surrender your licence to the DVLA if any of the following are true:
 - Your doctor tells you to stop driving for 3 months or more.
 - Your medical condition affects your ability to drive safely and lasts for 3 months or more.
 - You do not meet the required standards for driving because of your medical condition.



7.6. You are able to apply to get your licence back when you meet the medical standards for driving again.

8 Section 88 of the Road Traffic Act 1988

8.1. Section 88 of the Road Traffic Act 1988 may allow a person to continue driving even though they do not hold a current driving licence. In practice, this will be when a person has applied to DVLA to renew their licence following a medical event, but the licence expires while DVLA are processing the application.

8.2. To continue driving under Section 88 one must meet the following criteria:

- Doctor must have told the person that they are fit to drive.
- The applicant must be confident your application will not be refused due to any medical condition.
- Applicant must have held a valid driving licence and only drive vehicles they have applied for on their current application and were entitled to drive on their previous licence.
- If the applicant holds a Group 2 licence, their entitlement has not been suspended, revoked, or refused by a traffic commissioner.
- The applicant meets any conditions that were specified on their previous licence that still apply.
- DVLA has received the correct and complete application within the last 12 months.
- The last licence was not revoked or refused for medical reasons.
- The applicant is not currently disqualified from driving by a court.

8.3. Section 88 makes no reference to emergency response driving and it would be for a Driving Standards Review Panel to decide if a member of staff could continue to drive, under this section of the law.

8.4. DVLA also need to be processing the licence to consider Section 88 and it is not sufficient to say the forms have been sent to them.

9 Responsibilities

9.1. The **Chief Executive Officer** is accountable for all driving undertaken within the Trust.

9.2. **Operations Managers** have responsibility for ensuring employees are referred to the Driving Standards Review Panel for consideration of this Policy.

9.3. The **Driving Standards Manager** is responsible for ongoing driving standards and risks within the Trust.



9.4. The **Senior Operations Leadership Team** is responsible for the ongoing effectiveness of this policy.

9.5. **All employees** are responsible for adhering to this policy.

10 **Audit and Review**

10.1. This policy will be reviewed at six months or sooner if new legislation, codes of practice or national standards are introduced.

10.2. A review will be undertaken in line with the Policy on Policies.

10.3. All policies have their effectiveness audited by the responsible Management Group at regular intervals, and initially six months after a new policy is approved and disseminated.

10.4. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).

10.5. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.

10.6. All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

11 **References**

- NHS Terms and Conditions Handbook
- Employment Rights Act 1996
- Equality Act 2010
- Flexible Working Regulations 2014
- Road Traffic Act 1988 amended 1991
- Section 88 Road Traffic Act 1988

12 **Financial Checkpoint**

12.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.

13 **Equality Analysis**

13.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief,



Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.

- 13.2. Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.