

PERSONNEL COMMITTEE – 13TH OCTOBER 2020

Report of the Head of Strategic Support

Part A

ITEM 11 TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES POLICY (BICYCLE USER)

Purpose of Report

Personnel Committee to agree the proposed amendments to the Travel, Subsistence and Other Allowances Policy and the introduction of a Bicycle User Declaration.

Recommendation

That the Personnel Committee agree the changes to the Travel, Subsistence and Other Allowance Policy and the introduction of a Bicycle User Declaration.

Reason

The purpose of the amendment to the Travel, Subsistence and Other Allowances Policy is to make clear the procedure for making claims in relation to bicycle usage for work related journeys. The introduction of the Bicycle User Declaration is to ensure that managers and employees agree and adhere to the requirements of using a bike for work related journeys.

Policy Justification and Previous Decisions

The current policy on Travel, Subsistence and Other Allowances does not make clear the process for claiming miles for those using a bike for work related journeys. The revised policy seeks to clarify this, whilst also ensuring compliance with best practice and health and safety measures by introducing a Bicycle User Declaration.

Implementation Timetable including Future Decisions

It is recommended that the amended Travel, Subsistence and Other Allowances Policy be published on the intranet, following the Personnel Committee meeting.

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

There are no specific risks associated with this decision.

Appendices: Appendix A - Travel Subsistence and Other Allowances Policy
Extract
Appendix B - Bicycle User Declaration
Appendix C – Risk Assessment

Officer to contact: Adrian Ward
Head of Strategic Support
Telephone: (01509) 634573
Email: adrian.ward@charnwood.gov.uk

Part B

Background

1. The Travel, Subsistence and Other Allowances policy currently outlines that employees can use their bicycles for work related journeys, subject to certain conditions.
2. It became apparent that before granting approval, further measures would need to be implemented to ensure the Council is compliant with its obligations in relation to legislation, best practice and health and safety. For example, insurance and risk assessments.
3. All employees can apply to use their bicycle for work related journeys, subject to management approval. Those employees must be travelling on Council business, whether designated as an essential or casual car user.
4. The policy makes clear that use of a bicycle will not be appropriate for all journeys and is considered an alternative to use of a car for such journeys.
5. Due to the ad hoc nature of bike related journeys it is proposed that the payment of essential user lump sum allowances will remain, where applicable.
6. It is proposed that the Travel, Subsistence and Other Allowances Policy be amended to reflect the conditions that must be met to claim the allowance for bicycle use. This includes completion of, and adherence to the principles of, the Bicycle User Declaration.
7. Additionally, a risk assessment for staff travel and driving at work has been produced which forms part of the Bicycle User Declaration.
8. The Travel, Subsistence and Other Allowances Policy, and associated documents, were considered by SLT on 26th February 2020 and JMTUM on 27th August 2020.

Appendix A

Bicycles

The Council has adopted an environmental charter which declares a positive attitude towards cycling. It gives positive encouragement to employees to consider whether and how they can use a bicycle in the course of their official business as well as cycling to and from work.

~~The following arrangements relate to those employees using a bicycle on official business mileage.~~ Employees wishing to cycle on their own bicycle for work related journeys **must** complete a Bicycle User Declaration for the consideration and approval of their manager to obtain agreement to undertake a work-related journey on a bicycle. This agreement will remain in place for each authorised journey for a period of 12 months from the date of signature, following which the manager and employee must review the agreement. A new declaration must be completed for each 12 month period.

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~~Management must approve each journey made on a bicycle to ensure it is an appropriate means of undertaking the journey, taking into account factors such as time and distance. The bicycle arrangements are available for all employees, subject to management approval, who travel on Council business, whether designated as essential or casual car users.~~

~~The following arrangements relate to those employees who have management approval to use a bicycle on official business mileage.~~

~~The bicycle arrangements are available for all employees who travel on Council business, whether designated as essential or casual car users.~~

~~-~~
AA mileage allowance will be paid at current HMRC bicycle allowance rate for use of bicycles on Council business, subject to the approval of management in the case of each individual journeys. Management approval is to ensure that a balance is achieved between the advantage of using a bicycle and the disadvantage of additional travel time on longer journeys. Use of a bicycle is an alternative to use of a car for such journeys and will therefore not affect payment of essential user lump sum allowances where applicable.

~~Once approval is obtained, the manager must email HR to confirm that the employee has approval to use a bike for work related journeys. This will then be recorded on iTrent.~~

Claims for bicycle mileage should be made separately from claims for car mileage by using the car allowance claim documentation clearly marked CYCLE ALLOWANCE.

Details of the Arrangement

Where odometers are not fitted, claims should be for a fair estimate of the mileage. In approving individual journeys and verifying claims, managers must rely on common sense, random checking and mutual trust to maintain a fair and positive approach to the scheme.

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Employees are reminded to adhere to the principles of Health and Safety.

Employees claiming bicycle allowance are required to have third party public liability insurance for business use.

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Bicycle storage facilities are available at Southfields Annexe for Southfields, and Town Hall based employees.

Bicycle User Declaration

This form should be read and signed by:

1. Employees wishing to cycle on their own bicycle for work related journeys.

The terms and conditions set out below relate only to cycling for work related journeys and do not apply to commuting to and from work.

The completed Bicycle User Declaration, should be read in conjunction with the Travel, Subsistence and Other Allowances policy, and is subject to the approval of management.

Terms and conditions when cycling for work related journeys

I understand that if I wish to use my own bicycle for work related journeys it must be:

- Maintained in a safe and roadworthy condition – this includes the requirement for a red rear reflector that conforms to recognised safety standards to be used if you will be cycling in dark, dimly lit conditions or other conditions with poor visibility.
- Fitted with front and rear lights if cycling in dark, dimly lit conditions or conditions with poor visibility. The front and rear lights must conform to recognised safety standards. I will ensure these lights are lit when cycling in such conditions.
- I will not use my bicycle if it is not roadworthy or safe.
- I understand the Highway Code and shall abide by it and the laws of the road at all times.
- I confirm that I am fit and competent to safely ride a bicycle.
- I confirm that I have no known medical conditions that might be aggravated by cycling or make it in any way unsafe (for myself or other road users) for me to cycle.
- I will not cycle for work purposes if there are any changes to my health or fitness that make it unsafe (for myself or other road users) for me to cycle.
- I will not cycle for work purposes if these rights have been removed.
- I understand that the Council requires employees to wear hi visibility/protective clothing, including a correctly fitted bicycle helmet.
- I will carry out a basic safety/roadworthiness check of the bicycle before undertaking each work related journey.
- I have read, fully understood and will adhere to the conditions outlined within the Bicycle User Declaration and the Bicycles section of the Travel, Subsistence and Other Allowances policy.

Insurance

The Council's Public Liability Insurance will cover the use of the employee's own bicycle whilst on work related journeys.

I understand that I am encouraged (although not mandatory) to take out personal insurance for my work-related cycling activities.

Risk Assessment

A risk assessment must be produced for officers undertaking staff travel whilst conducting duties on behalf of the Council. The Risk Assessment for Staff Travel and Driving at Work is available for managers who must assess this document to ensure it is suitable and covers all risks that need to be taken into account.

A person specific assessment must be carried out for young persons, disabled staff and new and expectant mothers conducting this activity.

Process

The completed Bicycle User Declaration must be submitted to the manager for consideration and approval to obtain agreement to undertake a work-related journey on a bicycle. This agreement will remain in place for each authorised journey for a period of 12 months from the date of signature, following which the manager and employee must review this agreement. A new declaration must be completed for each 12 month period. Management approval must be obtained prior to each journey, taking into consideration the practicality of such a journey for example, the impact of distance and time.

Employee Declaration

I have read and accept the terms and conditions outlined within the Bicycle User Declaration, and the Travel, Subsistence and Other Allowances policy, and will adhere to these when using my own bicycle for work related journeys. I understand that this agreement is subject to management approval.

Name	
Job Title	
Service Area	
Signature	
Date	

Management Approval

- I approve the Bicycle User Declaration in accordance with the terms and conditions outlined
- I do not approve the Bicycle User Declaration in accordance with the terms and conditions outlined

Managers Name	
Job Title	
Service Area	
Signature	
Date	

A copy of this form should be retained by the manager upon completion and emailed to hr@charnwood.gov.uk.

	<h2>Risk assessment for Staff Travel and Driving at Work</h2>	
<p>CBC Corporate H&S Policy: the person responsible for ensuring suitable and sufficient risk assessments are conducted and communicated to all relevant people is the Head of Service. They may delegate the task to the manager of the activity and the H&S officer will provide guidance and advice.</p>		
<p>Note: A person specific assessment must be carried out for young persons, disabled staff and new and expectant mothers conducting this activity.</p>		
<p>Location: Public highways and cycle-paths</p>	<p>Date of Risk Assessment: 20th January 2020</p>	
<p>Completed By: Tony O'Brien (CHSO)</p>	<p>Review Date: 31st January 2021</p>	
<p>Circulation to whom: All via the CBC HSMS hosted on the intranet</p>		
<p>Task Description: Officers undertaking staff travel whilst conducting Charnwood Borough Council activities. Staff travel includes use of fleet vehicles, personal cars, motorbikes and personal cycles.</p>		
<p><i>Recent/significant accident history for this activity: During the period Jan 2017 – Dec 2019 there were 14 road traffic incidents, recorded and notified to our insurers, involving Charnwood fleet vehicles or personal vehicles being used for CBC activities. None of these incidents were of a serious nature.</i></p>		
<p>Relevant documents:</p> <ul style="list-style-type: none"> • CBC Vehicle User Policy • CBC Bicycle User Declaration 		

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
			Severity	Likelihood	Risk Rating		Severity	Likelihood	Risk Rating	Who (Initial)	Date By: (---/---/---)	Done?
Occupational Road Risk	Staff may be injured as a result of a road traffic incident while driving/travelling at work. Such incidents may result in bumps, blows, strains and potentially fatality.	<ul style="list-style-type: none"> • Staff driving licenses checked prior to appointment to positions. • Insurance, MOT, tax and license checked on an annual basis. • Staff informed to ensure business class insurance is included in policy. • Staff are to drive/ride/cycle in a courteous manner to minimise the potential of a “road rage” incident. • Motorcyclists must wear hi-visibility or reflective clothing and comply with all requirements of the Highway Code at all times. • Cyclists to maintain their bicycle, wear a correctly fitted cycle helmet and hi-visibility clothing and adhere to the Bicycle User Declaration. • Flexible working arrangements to ensure that staff have eleven hours rest between shifts as stipulated in WTD. • Staff informed to drive courteously and in accordance with the Highway Code. • All members of staff who travel on behalf of CBC are to familiarise themselves with the contents of 	4	2	8							

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
		CBC's Vehicle User Policy and/or Bicycle User Declaration.										
Inability to summon help in an emergency e.g. accident	Staff may risk their personal safety or health if they are unable to summon help in an emergency. Staff may suffer anxiety, serious injury or death	<ul style="list-style-type: none"> All members of the team have use of a mobile phone (either personal or works) to be used as a means of emergency contact. Individual or pooled Alertcom devices are available for staff use. When travelling alone a device is to be carried. The team's Booking In & Out Procedure will be adhered to so that colleagues are aware of other team members' whereabouts. All members of the team will keep a list of team emergency contact numbers handy e.g. in their car, or on their mobile phone. All members of staff who travel on behalf of CBC are to familiarise themselves with the contents of CBC's Vehicle User Policy and/or Bicycle User Declaration. 	4	2	8							
Inability to summon help in an emergency e.g. breakdown	Staff may risk their personal safety or health if they are unable to summon help in an emergency. Staff may suffer anxiety, serious injury or	<ul style="list-style-type: none"> Vehicle service schedule to be maintained. Pre-journey checks (lights, petrol, oil, coolant, tyre pressure) to be carried out. Journey details to be left with colleague. Use of cycles is to be limited to short journeys within urban areas. 	4	1	4							

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
	death	<ul style="list-style-type: none"> • Use booking in/out system to ensure colleagues are aware of whereabouts and time due back. • Fully charged mobile phone with sufficient calling credit. • Office / line manager to be informed of situation. • If on rural or town road, lock car doors and remain in car until recovery vehicle arrives. • If on motorway, switch off engine and wait in a safe place away from the hard shoulder e.g. behind the barrier. • During winter months wear appropriate clothing and keep a warm coat and/or blankets within the car. 										
Assault/Theft/Car-jacking	Staff may be injured when stationary in the vehicle or when entering/leaving the vehicle	<ul style="list-style-type: none"> • Whilst stationary in a car keep doors locked and windows either closed or only slightly opened. • Park vehicles in well lit residential areas in close proximity to the final destination. • Ensure possessions left in the vehicle are not visible from outside the vehicle. 	3	2	6							
Manual Handling	Staff may be injured when loading items in and out of the vehicle. Such injuries may result in strains & sprains to the back and limbs.	<ul style="list-style-type: none"> • Staff should be competent and aware of suitable manual handling techniques for loading and unloading. • Use of cycles for carrying loads, other than those carried in a small rucksack, is prohibited. • Clear boot/back seat to allow ease of 	3	2	6	For heavy or awkward loads carried regularly a separate manual handling assessment shall be completed.	3	2	6			

Hazard (Something with a potential to cause harm)	Who might be Harmed & How?	What are you already doing? (Consider Hierarchy of Control)	Initial Risk Rating (S x L)			Further Controls Required (Consider Hierarchy of Control)	Final Risk Rating (S x L)			Action Required		
		loading & unloading with minimal bending/twisting. <ul style="list-style-type: none"> • It is ensured that any loads to be loaded and removed from vehicle are suitable for one person to carry if travelling alone. • Where possible arrange parking as near to entry/exit points as possible. • Shared lifting practices encouraged. • A person to assist is available for 2 person loads. 										

		Severity			
		4	8	12	16
Likelihood	Very Likely (4) - Regular occurrence - Circumstances frequently encountered	4	8	12	16
	Likely (3) - Likely to happen at some point in the next 3 years - Circumstances occasionally encountered	3	6	9	12
	Unlikely (2) - Only likely to happen once every 3 or more years - Circumstances rarely encountered	2	4	6	8
	Remote (1) - Has never happened before - Circumstance never encountered	1	2	3	4
		Minor(1) - Brief disruption to service less than 1 day – minor or no loss of customer service. - Low financial loss > £10,000 - Minor/no injuries. - Minimal news/press impact. - Affects single team only. - Minor/no damage to local environment	Significant (2) - Loss of service for 1 – 3 days - Noticeable disruption, some customers would be affected across a service area of the Council - High financial loss £10,000 - £100,000 - Severe injury to an individual/ several people - Local	Serious (3) - Loss of service for 3 to 5 days. Serious disruption, ability to service customers affected across several service areas of the Council. - Serious financial loss £100,000 - £999,999 - Extensive/multiple injuries, intervention by HSE - Local adverse news item/professional press item - Likely judicial review or legal challenge of service specific decision. - Serious damage to local	Major (4) - Major loss of service for more than 5 days. - Severe disruption to the Council and its customers affecting the whole council. - Major financial loss > £1,000,000 - Loss of life, intervention by HSE. - National news coverage - Likely successful judicial review or legal challenge of Council decision. - Major environmental damage.

OVERALL RISK RATING		Risk Rating Definitions
12 - 16	HIGH	This is an unacceptable risk rating. Urgent interim controls should be implemented to reduce the risk so far as is reasonably practicable. If the risk rating cannot be reduced to lower than a High, then a documented safe system of work should be implemented to control the activity. It may be necessary to seek further professional advice. Serious considerations should be given to the validity of carrying out the activity at all. Regular monitoring of the activity should occur.
6 - 9	MODERATE	It is advised that further controls are implemented to reduce the risk rating to as low a level as possible. If the risk cannot be reduced to lower than a medium, then on site monitoring should occur to ensure that all stipulated controls are being adhered to.
3 - 4	LOW	This is an acceptable level of risk. It is advised that continual monitoring in order to ensure that no changes / deviation of control measures occur.
1 - 2	VERY LOW	This is a very acceptable level of risk. No further controls are required as the risk rating cannot be reduced any further

I have read and understood this risk assessment. Anything I did not understand has been explained to me to my satisfaction. I agree to follow the Risk Assessment and understand that any procedures are there for my safety and the safety of others. I will alert my manager to any changes in the work or additional hazards that mean this risk assessment needs to be reviewed.

Name	Signature	Date
