Motor Vehicle Usage Policy

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1. Introductory Statement

The Mungo Foundation (TMF) is introducing this policy in order to provide clear guidance to all staff when they are involved in travelling in any motor vehicle. The Policy is non-contractual and TMF reserves the right to alter and withdraw it at any time.

TMF is committed to ensuring that we provide, so far as is reasonably practical, for the health, safety and welfare of all staff and those we support by designing our policies to minimise the risk of accidents and unforeseen events. We continue to encourage staff supporting individuals who wish to travel, to use public transport rather than a staff member’s vehicle wherever possible and appropriate, in order to maximise the individual’s skills and knowledge of living in the community. All vehicle users are required to operate vehicles in a manner that is safe at all times. Irrespective of whether vehicles are supplied by TMF, or private vehicles being used for business, they must be in a road worthy condition at all times. Each driver is responsible for upholding the conditions of road-worthiness as required by the law.

2. Responsibilities

Organisational Responsibility

The Board of Directors recognises its responsibilities under the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of all its employees and other persons who may be affected by the undertakings of The Mungo Foundation. Employees must also recognise and accept their responsibilities under the Act and carry out their duties accordingly. The Chief Executive of The Mungo Foundation and those employees with delegated responsibility, particularly the Director of Services and Development, Director of Human Resources, Director of Finance and the Health & Safety Manager will be responsible for implementing The Mungo Foundation’s Motor Vehicle Usage Policy at all levels within the organisation and monitoring effective compliance. The organisation shall, so far as is reasonably practicable, provide the resources and support required to develop, sustain and continually improve this policy.
Summary of Responsibilities

- The Board of Directors has an overall responsibility for ensuring that there is in place suitable organisation and arrangements for the effective implementation of The Mungo Foundation’s Motor Vehicle Usage Policy.

- The Chief Executive will have lead responsibility for ensuring that The Mungo Foundation’s Motor Vehicle Usage Policy is implemented and that Senior Managers, to whom specific responsibilities are delegated, are aware of them and discharge their responsibilities correctly.

- The Directors of Services and Development, Human Resources and Finance are responsible, so far as is reasonably practical, for ensuring that the Motor Vehicle Usage Policy and necessary arrangements are effectively implemented.

The Health and Safety Manager, assisted by the Transport Group where appropriate, is responsible for:

- Devising and promoting accident prevention policies and measures;
- Reporting on all reported road accidents, near misses and hazards as appropriate;
- Advising senior and line management of any remedial action required;
- Advising and providing information, including training, assisted by the Training Manager, to management and staff;
- Maintaining safety records;
- Monitoring legislation, codes of practices and procedures associated with occupational driving.

Project Managers and Line Managers are responsible for:

- Monitoring and observing the implementation of this policy to ensure that the practices outlined in it are followed;
- Communicating any areas of concern they consider require further action to the driver and other appropriate staff such as, the Health and Safety Manager, Training Manager, Service Manager, Human Resources etc. in writing;
- Forwarding copies of driving licences as per procedure below;
• Identify training needs of staff;
• Undertake appropriate risk assessments.

All employees and volunteers driving business mileage for TMF have responsibility for their own safety and the safety of others. This responsibility goes beyond simply observance of traffic rules and regulations. Safe driving is a vital element of this and each employee or volunteer must uphold the highest standards of driving and safety. These include:

• Ensuring that they hold a valid appropriate driving licence for the vehicle being driven (ensuring that photo card driving licences are renewed every 10 years or as appropriate);
• Obtaining written authority for the use of a private vehicle for business purposes prior to use;
• Obtaining written authority to drive TMF owned or leased vehicles prior to use;
• Careful observance of traffic rules and regulations (The Highway Code);
• Making allowances for lack of skill or knowledge of other road users;
• Recognising the potential for unpredictable actions by other road users or pedestrians;
• Making allowances for road and weather conditions;
• Adopting a method of defensive driving against potential hazards and not taking risks. • Ensuring that they report any incidents involving vehicles to the A.O.G Archivist.

3. Duty of Care

All staff should be aware of their legal duty of care towards others, including those we support and to themselves. We recognise that this duty is informed by individual choice and capacity and that it is not possible to prescribe all actions to cover all situations. However, TMF expects staff to take reasonable precautions in terms of their actions and statements to those we support and to maximise everyone’s safety.

4. Use of Staff/ Private Vehicles

Any usage of a member of staff’s own or other private vehicles needs to be compliant with the Health & Safety Policy, Motor Vehicles Usage Policy, Mobile
Communications Policy and any other relevant policy as may be issued. In particular, the vehicle requires to be fully insured for business use and have a current road fund licence and a valid MOT certificate. The driver must be in possession of an appropriate full valid driving licence. Mobile phones or similar devices must not be used whilst driving. This includes without limitation, making calls, sending text messages or using a video telephone device. If there is a need to respond to a call, or need to make a genuine emergency call, then drivers should pull into the side of the road in a safe place prior to using their phone.

All drivers are required by law (Road Traffic Act 1988) to wear a seat belt, unless they hold a Medical Exemption Certificate. The driver is legally responsible for ensuring any children are appropriately restrained i.e. by using an appropriate baby seat, child seat or booster cushion.

Staff are not permitted to transport people we support as passengers on motor bikes, scooters or similar vehicles as the risks related to these types of motor vehicles are substantially higher than travel in a car, taxi or minibus.

5. Travel by Motor Vehicles – Staff

When at work TMF requires all staff, unless legally exempt, to wear seat belts when driving or travelling as a passenger in all vehicles where these are fitted. It is recognised that this is a legal requirement for most types of vehicles and specifically is legally required when travelling by: private cars; hired vehicles; taxis; including hackney cabs and vans. It is also a legal requirement to wear a seat belt, where fitted, when travelling by bus, minibus or coach.

Staff supporting any individual travelling using a car owned by that individual or used by them e.g. a mobility car, relatives’ car, should always wear a seat belt.

The only exception to this policy is where a staff member has a current Certificate of Exemption from their General Practitioner. This exempts them from the compulsory legal requirement to wear a seat belt. This Certificate should be given to the Service Manager who will be responsible for forwarding a copy to Human Resources, where it will be held in that individual’s personnel file. The Service Manager, in consultation with the Health and Safety Manager, using
an appropriate risk assessment, will determine whether or not it is appropriate for that individual to travel by motor vehicle as part of their work for TMF. Staff who have health concerns about wearing a seat belt should consult with their GP for professional advice. Expectant mothers should note that the law requires them to wear a seat belt, unless they have a Certificate of Exemption.

6. Travel by Motor Vehicle – People We Support

Whenever a person we support wishes to travel by motor vehicle, it is important for staff to ensure that the person being supported is fully informed and made aware of both the legal requirements and the health and safety reasons for wearing a seat belt. Where the supported individual has a Certificate of Exemption from wearing a seat belt, this should be noted within their Personal Support Plan and alternate means of transport considered. It is envisaged that the vast majority of time those we support will be happy to wear a seat belt when travelling, both on their own and whilst with staff. Where travel is a part of any support TMF provides, TMF provides, the Personal Support Plan should constructively and sensitively address the issue of wearing seat belts. In the rare circumstances that an individual is not prepared to wear a seat belt, and is not exempt from wearing one, the journey should not be undertaken by staff. Such instances will be rare and will normally be something that can be identified in advance of any journey being undertaken and therefore can be fully discussed with the individual. In such cases, staff should discuss the matter with their manager, who will determine the appropriate actions to be taken. It may be appropriate for managers to discuss matter further with multiagency partners through a formal review process. Good support planning and consultation with individuals should amicably resolve the vast majority of objections an individual may have wearing a seat belt.

Procedures

7. Business Journeys

These are authorised journeys taken only when no other form of communication, such as telephone or e-mail, can allow a task to be carried out. They do not include commuting between a permanent place of work and home. Business journeys should only be made by car when other forms of transport,
such as bus or train, are not practical. In selecting the method of travel, the cost of the journey should be considered to ensure that the best value for money is obtained. If possible, cars should be shared with other employees making the same business journey.

8. Hand Held Devices

The use of mobile phones, Blackberrys, PDAs, MP3 players or any other equipment, including hands free, which may cause distraction is prohibited. This applies to vehicles leased or owned by TMF at all times and people driving their own or private cars while driving TMF business miles. Mobile phones should be switched off before starting any journey and voice mail messages picked up after parking the vehicle. This equipment should only be used after parking in a safe location with the key removed from the ignition. This rule applies whether it is to make or receive telephone calls, send or read text or image/picture messages, send or receive facsimiles or to access the Internet or email. This is to comply with the legislative requirement to drive “with due care and attention” and to follow advice from motoring organisations concerned with road safety such as BRAKE and ROSPA.

9. Alcohol and Controlled Drugs

Employees or volunteers must not drive a vehicle whilst in an unfit state due to the influence of alcohol or illegal drugs. Drivers taking prescribed medication should obtain medical consent with regard to ability to drive whilst on medication if there is any suspicion or indication that it impairs driving. Any such advice should be notified to the line manager and to the Health and Safety Manager.

10. Hours of Driving

To follow Health and Safety Executive guidance, best practice and to comply with The Transport Act:

- Particular attention should be made to the number of working hours spent driving to comply with relevant legislation. The Health & Safety Manager should be consulted if in any doubt as to driving hours for any situation;
If necessary, work routines must be re-planned or overnight stays taken to adhere to this. It is a line manager’s responsibility to ensure they do not issue or allow work to be carried out that would contravene this;

In addition drivers must not drive if they feel their driving performance is impaired by tiredness and drivers are responsible for ensuring that they get enough sleep. If feeling tired during a journey, drivers should take short breaks somewhere safe and only continue driving when feeling alert again. Driving with the windows open or radio turned up loudly is ineffective at keeping drivers alert.

11. Driver Records and Authorisation to Drive for Business Purposes

All drivers must complete a Driver’s Declaration Form and present their original current valid driving licence to their line manager upon the first request for authority to drive for business purposes. Both parts are required to be presented for two part driving licences. The line manager should take a photocopy and sign it to certify that they have examined the original before sending the Declaration Form to the Human Resources Department. In addition to the driving licence, drivers using private vehicles for business mileage must provide a photocopy of a valid MOT certificate, if appropriate, and a Certificate of Insurance to their line manager with the form for their records.

A section for checking this process has been adhered to at Project Level and will be included within the Service Manager’s Audits. Thereafter the original current valid driving licences should be presented to line managers annually. A reminder will be sent by Human Resources annually on 1 April approximately. All licences must be copied, signed and dated by the line managers and a record of any changes to licences sent by line managers to Human Resources for updating the database along with confirmation of sight of MOT and insurance documents.

Any endorsements on licences between these regular checks should be notified immediately to line managers and Human Resources, and a copy of any amended licence, signed by the line manager, sent as soon as it becomes available. Failure to comply with this will be treated as a disciplinary matter.
Should a driving licence not be available when required, due to change of address etc., the DVLA can provide details if given permission by the driver. TMF will use this arrangement if necessary.

Further copies of MOT and Insurance Certificates must be presented to line managers after each annual renewal to ensure that records are kept up to date. Failure to provide these documents when required will result in the removal of the authority to drive.

Employees claiming business mileage for using their own cars, must have Business Use approval on their insurance policy before any business journey is undertaken. A letter outlining the work cover required for insurance purposes can be provided by TMF to be sent to the insurers to seek their approval. There is usually no additional charge for this approval.

The authority to drive on business purposes will be subject to the following criteria:

- TMF owned vehicles: Drivers must be a minimum of 21 years old with 24 months driving experience;
- Private vehicles: 12 months driving experience for all drivers transporting service users;
- Clean driving licence for the specified category of vehicle. (Human Resources should be contacted to discuss a driver with endorsements on their licence. In general single fixed penalty endorsements can be disregarded);
- Any other factors that are deemed appropriate to comply with the scope of this policy, legislation, insurance and Health & Safety compliance.

The authority to drive TMF vehicles will be approved by the Archivist of AOG and will be subject to annual renewal, written confirmation of the approval will be provided by the Archivist of AOG.

12. Volunteer Drivers

A volunteer using their own car for TMF business is considered as no different from an employee for insurance and health and safety purposes. All requirements in this policy apply to them.
The insurance requirements for volunteer drivers vary between different insurance companies. Some view volunteer driving as being social/domestic and therefore automatically included and some view it as business use and require this to be added to an existing policy. In either case the insurer must be informed of the use of the insured car for voluntary use. Not informing an insurer could lead to complications in the event of an accident resulting in an insurance claim for damage for their own property or a 3rd Party’s, including insurance liability being denied by the insurer. Volunteers should supply written confirmation that insurers have been informed of use of the vehicle.

13. Vehicle Maintenance and Operation

In order to ensure that vehicles are roadworthy, completion of the Weekly Vehicle Maintenance Check on all TMF owned and leased vehicles driving business mileage for TMF are to be carried out on a weekly basis by the driver. Project Managers of services with vehicles owned by TMF, e.g. minibuses or people carriers, and pool leased vehicles are responsible for ensuring that these checks are carried out and for completing a vehicle maintenance checklist form confirming that these checks have been carried out. The completed forms must be retained within the project and will be reviewed as part of the Service Audits undertaken.

Project Managers are also responsible for ensuring that the vehicles:

- Are serviced in accordance with manufacturers’ instructions.
- Have a current valid road tax disc on display (Original registration documents should be retained at Head Office and are available on request from the Archivist of AOG).
- Have a current valid MOT.
- Are kept clean inside and outside.
- Are kept in a roadworthy condition and any defects are immediately investigated by and if necessary repaired by a competent motor engineer.
- Are only driven by authorised drivers.

Spot checks on any vehicles used for business mileage may be carried out at any time, e.g. following any incident or near miss report.
14. Accident Procedure

All vehicle accidents must be reported in line with the Incident Reporting Policy and Procedures. This includes vehicles owned, or leased, by TMF at any time, and private vehicles on business mileage.

Drivers must adhere to the Incident Reporting Policy and Procedures. For vehicles owned or leased by TMF, insurance claim forms with Third Party details etc. should be returned within 48 hours of a Motor Accident. Insurance Claim Forms are available on request from the Archivist of AOG.

Any difficulty in obtaining Third Party details should be reported to the Archivist of AOG immediately, it is a legal obligation to provide insurance details following a vehicle accident to anybody with a reasonable right to request them.

Relevant insurance details required for compliance with the policy will be included within the Drivers Handbook.

All incidents, accidents and near misses involving motor vehicles, must be reported as soon as possible, by the driver to their line manager and all details recorded on the Incident Reporting Form. This form should be completed by the driver and the line manager and returned to the Health & Safety Manager within 48 hours of any accident.

15. Assessment/Training

Driving experience is an important part of an individual driver’s assessment of performance and before transporting service users a driver must have a minimum of 12 months driving experience for the use of their own or private vehicles and 24 months for driving TMF owned vehicles.

Sufficient resources will be allocated to ensure the safe and efficient operation of all vehicles used on TMF business.

The following websites offer driver advice and online driver awareness and theory tests:

- http://www.learnerstuff.co.uk/theorytest/mocktheorytests.htm
- http://dsa.gov.uk/mockpaper/theoryintro.htm
- http://thinkroadsafety.gov.uk
Drivers who drive particularly high business mileages, or in other circumstances such as following a serious incident or a series of accidents, may be asked to undertake further driver training, such as a course offered by the Advanced Institute of Motorists.

16. Eyesight

All drivers should monitor their eyesight and have an eyesight test if a problem is suspected. Any corrective glasses should be worn at all times and Human Resources should be notified of any medical problem.

17. Driver’s Information Folder

A Driver’s Information Folder will be provided for all TMF vehicles and should be kept in the vehicle. The folder will contain road safety information and all relevant contact details required for drivers. The contents will include, amongst other information:

- Break down cover details;
- Insurance details;
- Maintenance/Garage details;
- Maintenance Checklist;
- List of Authorised Drivers;
- Transport Usage Policy;
- On call contact details.

18. Disciplinary Action

Where an employee’s driving/safety record consistently falls below the standards expected by TMF and remedial actions have not led to improved performance this may lead to disciplinary action.
Appendix 1 - Health & Safety Legislative Context

Introduction
In September 2003, the HSE and Department for Transport published a guidance document for managing work-related road safety, which made a number of key points, including the following:

- Existing health and safety legislation, and in particular the Health and Safety at Work, etc Act 1974, applies to employees making work-related road journeys;
- Organisations must undertake risk assessments to identify the risks of vehicle use;
- There is no difference between an employee making a work-related journey in a vehicle provided by the company or the employee’s own private vehicle. There is still a requirement for the employer to manage the employee’s safety while making the journey.

Notwithstanding the legal obligations imposed on all road users through Road Traffic Acts and Regulations, the Health and Safety at Work etc. Act 1974 requires The Mungo Foundation to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. We also have a responsibility to ensure that others are not put at risk by work-related driving activities.

For Employers – The duties under the Health and Safety at Work, etc. Act 1974 requires employers to:

- Ensure, as far is reasonably practicable, the health, safety and welfare at work of all employees.
- Provide safe plant and systems of work, which includes vehicles driven by employees on company business.
- Provide a safe working environment, as regards facilities and arrangements for the welfare of employees at work.

For Employees - Under the Health and Safety at Work, etc Act 1974 employees must:

- Take reasonable care of their own health and safety and that of others affected by their acts or omissions, including whilst driving.
- Cooperate with their employer in order to help the employer meet their legal duties.
• Inform their employer of any health and safety shortcomings and any immediate danger to health and safety, including vehicle defects and driving arrangements. The Management of Health and Safety at Work Regulations 1999 make risk assessments, including of work-related driving activities, mandatory. Under these regulations, we have a responsibility to manage health and safety effectively. We need to carry out an assessment of the risks to the health and safety of our employees, while they are at work, and to other people who may be affected by their work activities. The Regulations require us to periodically review our risk assessment so that it remains appropriate. These same health and safety standards must be applied to voluntary workers as they would to employees exposed to the same risks. However, if the risk assessment shows the risks to voluntary workers are different, the preventive and protective measures taken should reflect the different risks. The Health and Safety Executive considers it good practice for a volunteer user to provide the same level of health and safety protection as they would in an employer/employee relationship, irrespective of whether there are strict legal duties.
Appendix 2 - Vehicle Incident Flowchart

Road Traffic Accident

- Injured Persons
  - Call the police and ambulance if required
  - Exchange insurance details with other parties
  - Driver to report to their Project Manager
  - Project Manager to telephone Archivist with details
  - Vehicle Incident Form will be supplied by Archivist
  - Complete Vehicle Incident Form and rtn to Archivist
  - Archivist and H&S Advisor exchange incident information

- Damage to vehicle and/or property
  - Call the police if necessary
  - Exchange insurance details when required
  - Driver to report to their Project Manager
  - Project Manager to telephone Archivist with details
  - Vehicle Incident Form will be supplied by Archivist
  - Complete Vehicle Incident Form & rtn to Archivist
  - Complete H&S Incident Form rtn to H&S Advisor

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Appendix 3 - Using Transport: A Risk Assessment Flowchart

Do I need to travel using transport?

- No further action required
- Can I travel by rail or air?
  - No further action required
  - Can I travel by public transport or by taxi cab?
    - No further action required
    - Is there a suitable vehicle, owned by TMF, available for use?
      - No
      - Yes: Consider staff using own vehicle when all conditions are met & authorisation agreed. See Note 1
    - See Note 1
    - Refer to Motor Usage Policy See Note 1

Note 1: Conduct RA. Identify suitable control measures & undertake journey.
Appendix 4 - Management of Purchasing, Leasing or Hiring of Vehicle

Before vehicle purchase/lease/hire
- The finance department will assist in sourcing:
  - An appropriate vehicle type for an approved supplier
  - Finance options lease/purchase, rental or outright purchase
  - Suitable finance options Bank, Finance Company or third party
- Complete all in-house documents including authorisation from the requesting department.
  - The Finance Department may seek advice from the Health & Safety Advisor to confirm the suitability of the requested vehicle.
  - The Line Manager requires to purchase, lease or hire a vehicle for short or long term

The Line Manager submits a request to the Senior/Service Manager to purchase/lease/hire a vehicle. This may be part of the risk assessment process. The H&S Advisor, Manual Handling Assessors, OT Specialist may also be contacted for advice and assistance at this stage in the process.

Where the request has been accepted, the Senior/Service Manager will seek formal authorisation from their Director. Thereafter, the Director will discuss with a TMF Board Member to seek formal organisational authorisation.

The Director of the respective department will instruct the Senior/Service Manager to progress the transaction. The Director will thereafter monitor the progress of the transaction

The Senior/Service Manager will:
- Continually liaise with the Finance Department before and during the vehicle transaction
- Ensure all documents and information are made available
- Instruct the Line Manager to liaise with the Finance Department after the vehicle is supplied

The Line Manager will continually liaise with the Finance Department to process all invoicing, receipts, etc and to ensure best value of vehicle usage.

Processing the purchase/lease/hire

The Finance Department will:
- Arrange the Terms and Conditions of vehicle lease or purchase use – includes maintenance contract/servicing agreements, vehicle breakdown cover, excess charge arrangement.
- Ensure all documentation from Vehicle supplier is directed to Clyde Street and not the vehicle use address.
- Where the request has been accepted, the Senior/Service Manager will seek formal authorisation from their Director. Thereafter, the Director will discuss with a TMF Board Member to seek formal organisational authorisation.

The Line Manager ensures forms are submitted to the Archivist
- The Archivist will:
  - Ensure drivers for and documents confirm to DVLA and insurance requirements
  - Liaise directly with the insurance broker on all relevant matters
  - Process/update/retain a “vehicle in use” list for the insurance policy and relevant contact information
  - Retain and update a compiled list of authorised drivers
  - Retain all V5 registration documents
  - Liaise with the Finance Department on insurance issues and redirect all applicable vehicle receipts/invoices.

After a vehicle is supplied, the Finance Department will continually:
- Monitor payments towards vehicle lease or purchase
- Monitor repairs/servicing invoices, ensuring only approved suppliers are used
- Ensure all documentation from Vehicle supplier is directed to Clyde Street and not the vehicle use address
- Continually liaise with the Finance Department and the vehicle-lease purchase
- Liaise with the Archivist to monitor insurance claims/excess payments etc.