

Royal Mail Road Traffic Accident/Collision Procedure

Scope

This agreement applies to UK Operations drivers, for collisions occurring from 1st June 2022.

This procedure applies where it meets the definition of a Road Traffic Collision (RTC).

A Road Traffic Collision (RTC) is a specific incident, where owing to the presence of a Royal Mail Group (RMG) commercial motor vehicle (including hired commercial vehicles but excluding Royal Mail cycles or trolleys), a collision occurs which involves:

- Personal Injury which is thought to have occurred, or alleged to have occurred to any person (including RMG employees),
- Damage is caused to any vehicle (including any RMG vehicle),
- Damage to any property constructed on, fixed to, growing in or otherwise forming any part of any land (includes any publicly or privately-owned property, including property owned by RMG), or;
- Injury or Damage which is thought to have occurred or alleged to have occurred to any animal (defined as any horse, cattle, ass, mule, sheep, pig, goat or dog).

For purposes of clarity, incidents are classified as RTC's:

- Regardless of fault or blame
- Whether the driver is with the vehicle or not
- Regardless of where the incident occurred (whether a road, other public place or private property)

Shared principles

- First priority is the safety of our employees and the general public
- Aim is to improve driving standards and reduce accidents/collisions and therefore keep our drivers driving
- All decisions must be based on detailed investigation
- Following any blameworthy accident/collision, an intervention should be provided
- Interventions may also be provided following non-blameworthy accidents/collisions
- Emphasis on positive and supportive training countermeasures

Process – 6 Steps

Step 1 - Initial Reporting

Following an accident/collision, the driver must notify their manager at the earliest opportunity and should also follow the Telephone Accident Reporting Process where it is safe and practical to do so.

On receiving report of an accident/collision, Royal Mail managers must:

- First consider the welfare of the driver and other injured parties, ensuring that emergency services have been called or first aid support provided, if appropriate
- Arrange immediate collection of the driver & arrange recovery of the vehicle if required
- Notify the CWU or Unite Area Safety Representative as appropriate
- Where the manager is aware of or suspects that the driver is suffering from mental trauma, is physically unfit to drive, or where the driver requests support; offer to arrange a referral to Occupational Health for an assessment or for counselling and make them aware of the First Class Support helpline
- Avoid prejudging the situation
- Meet the driver at the earliest appropriate opportunity to obtain a verbal account of the circumstances of the accident/collision, jointly review the contents of the telephone report, explain the investigation process and hand **RTA/RTC Letter 1** to the driver. Where the accident/collision meets the definition of an RTC, submit an ERICA report within 24 hours and in the presence of the driver wherever possible
- Present the vehicle to a RM Fleet Workshop with a PMT1 for inspection to ensure that the vehicle is safe to drive and establish whether any fault may have contributed to the accident/collision

Step 2 – Precautionary Removal

The overriding priority of this agreement is to protect the safety of employees and the public. The manager should decide whether precautionary removal from driving is necessary.

Precautionary removal is not however a 'standard' or 'punitive' response and will only be appropriate in the following cases, pending the completion of a full investigation:

- 1) Accidents/collisions involving, or thought to involve, serious injury or fatality to any person
- 2) Where initial evidence suggests that the driving of the Royal Mail driver fell well below the expected standard, regardless of the level of damage. Examples may include, but are not restricted to:
 - speeding or failing to control the vehicle
 - failing to consider vulnerable road users (pedestrians, cyclists etc.)
 - failing to properly secure the vehicle when parked (handbrake on, in gear, turn wheels)
- 3) Where initial evidence suggests that there may be a medical or health issue contributing e.g. the driver reports loss of consciousness or failure to see a vehicle or hazard

The driver may also request temporary reassignment to non-driving duties. Where the driver is temporarily removed from driving at their request this will initially be reviewed after 24 hours and then as required depending on the case. The aim will be to support the driver back to driving. Where an employee's request to be removed from driving exceeds 48 hours then the manager should seek advice from Occupational Health. Where the employee requests long term removal from driving then this should be dealt with in line with appropriate and agreed resourcing principles.

Where an employee is precautionary removed from driving full consideration should be given to their earnings and attendance patterns. Wherever possible, a non-driving duty will be on hours of attendance similar to that of the driving duty. In the unlikely event where non-driving duties cannot be accommodated immediately, a discussion with the employee will take place to let them know and next steps. In all cases, the individuals pay and assigned allowances will continue to be paid during the period of the investigation.

The decision should be communicated to the driver on a face to face basis and in writing using **RTA/RTC Letter 2**, including the reason for removal

Step 3 – Detailed investigation

Once the initial discussion has taken place, the manager will carry out a detailed investigation capturing all available evidence. This may include, but is not limited to:

- A site visit
- ERICA report
- Any witness evidence
- RM Fleet workshop vehicle report
- Telemetry outputs within national agreements
- Third-party or employee dashcam evidence where provided
- Occupational Health Report
- All other relevant evidence

All evidence will be fairly considered.

The driver will be invited to a detailed investigation meeting which will normally be held within two working days. The purpose of this meeting will be to review all documentation, provide an opportunity for further clarification and raise any mitigating evidence before any decisions are made.

Documents should be shared with the employee prior to or at the start of the meeting, and time given to review the content.

At this meeting the driver may be accompanied by their CWU representative or a work colleague from within Royal Mail Group and normally from the same work location. Appropriate release from duty will be arranged to allow the driver and CWU Representative or colleague, to properly prepare and participate in the detailed investigation meeting.

Full opportunity will be given to the driver at the detailed investigation meeting to raise extenuating circumstances, contributory factors and points of mitigation.

Following investigation, the manager will complete a Safety Root Cause Analysis in line with SHE Instruction 10.2 - Accident, Incident, Near Miss Reporting and Investigation Systems.

Step 4 –Manager Decisions

All available evidence will be considered in a fair and balanced manner, and the manager will consider the following:

Blameworthy/Non-Blameworthy

A decision must be made by the investigating manager on whether the Royal Mail driver was at fault for the accident/collision or not.

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

In the event of Blameworthy accidents/collisions, interventions must be applied. Doing nothing is not an option. Interventions may also be applied following non-blameworthy accidents/collisions.

The decision must be communicated to the accident management provider (currently Holman), using the link in their acknowledgement letter.

Removal from Driving

The safety of the driver and the public are of paramount importance and the manager will in each and every case consider whether the driver is safe to continue driving, regardless of the driver's previous accident/collision history. If the driver is not considered to be safe to continue driving, then they will be removed from driving as a protective measure.

It is recognised that repeated blameworthy accidents/collisions are evidence of an unacceptable level of risk, which in the absence of reasonable explanation (e.g. previously undiagnosed medical issue which has since been resolved) will result in removal from driving. Where a driver has been involved in three blameworthy accidents/collisions in a two year period and has previously received post-collision training, the presumption will be for removal from driving and justification will be required to retain on driving duties.

Supportive Interventions

In every instance the manager will consider the outputs of the detailed investigation and will decide upon appropriate countermeasures to support the driver, regardless of the Blameworthy decision.

When a driver is found to be 'Blameworthy', there should always be an intervention. The agreement encourages the use of on-road driver training as a counter-measure and where a driver has had two or more Blameworthy accidents/collisions in a two year period, this will be mandatory.

Where a driver is found to be 'Non-Blameworthy', the manager will still consider the contributing causes and will decide upon appropriate counter-measures to address them. This may, but will not normally, include on-road training.

Where a health related issue has been identified support should be provided in conjunction with Occupational Health. See the Medical/Welfare section below.

Conduct

The manager will consider whether application of the conduct policy is appropriate.

Royal Mail recognises genuine mistakes and misunderstandings do occur, and it is not our intention such cases should be dealt with under the conduct policy unless they are repeated. The conduct policy will be applied where the investigation finds dangerous or reckless driving and/or failure to follow formal training and instruction, or any reasonable management instruction.

The decision will be based upon the behaviour of the driver and not the level or cost of damage resulting.

Step 5 – Decisions/Interventions Meeting

A decisions/interventions meeting will usually be held within 5 working days of the detailed investigation meeting. **RTA/RTC Letter 3** will be used to invite the driver to a meeting.

The manager will communicate all decisions face to face and will provide full detail of the rationale for the decisions in writing using **RTA/RTC Letter 4**. In the event of long-term removal from driving, the appeal process will be explained and **RTA/RTC Letter 5** issued.

Step 6 – Deployment of Interventions

The intention is supportive interventions are deployed within 14 days of the Decisions/Interventions meeting.

Where a driver has been precautionary removed from driving duties, they will be restored to driving duties on satisfactory completion of the interventions. **RTA/RTC Letter 6** will be issued.

Where the decision is taken to remove the driver from driving duties under this approach, the 'long-term removal' process detailed below will be followed.

Where the conduct policy is applied in relation to the accident/collision, the detailed investigation from this procedure can form part of the fact-finding investigation.

Decision Review/Appeal Process

The following decision review / appeal processes will apply.

In relation to blameworthy/non-blameworthy:

A review would only take place if there was evidence which had not been considered and may affect the outcome.

To review a decision on this basis.

- 1) Challenge made in writing to 2nd line manager within 3 working days of decision including reason
- 2) 2nd line manager reviews submission and investigates
- 3) Answer within 5 working days, using **RTA/RTC Letter 7**, confirming whether the challenge has been accepted including the rationale for this decision
- 4) If accepted, the 2nd line manager will hold a further detailed investigation meeting to consider the full evidence
- 5) Decision in writing using **RTA/RTC Letter 8**, as soon as possible and normally within 5 working days

In relation to being permanently removed from driving the employee can appeal:

- 1) Appeal made in writing to 2nd line manager within 3 working days of decision including reason
- 2) Papers passed to next level of appropriate authority
- 3) Appeal hearing held reviewing the case in its entirety (invitation using **RTA/RTC Letter 9**)
- 4) Outcome provided within 5 days with rationale using **RTA/RTC Letter 10**

If decision is overturned, then supportive interventions should be considered as outlined above.

Long-term removal from driving - redeployment process

Where long-term removal from driving is confirmed a full assessment will be made of the redeployment opportunities. This will be completed using the identifying redeployment opportunities – scoping form and will be completed by the manager with the individual. This form includes details of the type of work that can be completed by the employee. Royal Mail will aim to find the most suitable available non-driving duty, taking into consideration issues such as location, attendance patterns, skills, any requirements relating to the equality act or family friendly commitments and opportunities to mitigate any potential loss of earnings.

For Professional driver grades where long-term redeployment is to an OPG grade basic pay will be reduced on a phased basis as detailed below (in line with the Professional Drivers Agreement).

- 12 months they will retain the Professional Driver pay rate.
- 12- 18 months the difference between the pay rate of the new role and the PD rate will be reduced by 25%
- 18 – 24 months the difference between the pay rate of the new role and the PD rate will be reduced by 75%
- After 24 months they will receive only the pay rate for the new role unless they have returned to driving duties.

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

Reinstatement to driving duties

Following long-term removal from driving, the driver will only be considered for reintroduction to driving after a minimum period of 12 months and where there is clear evidence of a material change in the level of risk presented.

For example, in the event a medical condition was subsequently identified and resolved which contributed to the previous accidents/collisions.

Consideration will be given to reintroduction to driving provided the driver:

- holds a valid driving licence with no subsequent penalty points
- has been medically assessed as fit to drive by Occupational Health
- completes full driver induction training and assessment and is assessed as Low Risk

Medical / Welfare Process

Throughout this procedure managers should support employees and seek Occupational Advice and Guidance where necessary. This can be accessed through PSP.

Employees must:

- let their manager know if there are any medical or health issues which mean that they should not drive a Royal Mail vehicle
- be aware of their responsibility to disclose any health issues that may impact their ability to drive safely to the DVLA

Exceptions

Most accidents/collisions will follow the procedure above. The following are exceptions:

- Accidents/collisions involving fatality or very serious injury may be handled under the Royal Mail Serious and Fatal Incident process in line with SHE Instruction 10.2 - Accident, Incident, Near Miss Reporting and Investigation Systems. Where this is the case a Senior Investigating Officer (SIO) will be appointed to direct investigations
- In exceptional circumstances for very serious cases it may be necessary to commence the conduct process before the detailed investigation has taken place. For example, suspected drink or drug related driving on duty or road rage

Confidentiality

Confidentiality is very important. Anyone involved in the detailed investigation is responsible for keeping information confidential and only sharing with those who need to know. This includes all the evidence reviewed as part of the detailed investigation.



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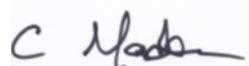
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