

WIRRAL COUNCIL

COUNCIL EXCELLENCE AND OVERVIEW SCRUTINY COMMITTEE

16 MARCH 2011

SUBJECT:	MOBILE PHONE POLICY
WARD/S AFFECTED:	NONE
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR SIMON HOLBROOK
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

1.0 EXECUTIVE SUMMARY

- 1.1 As part of the Committee's Work Programme this report informs members of the Council's current Mobile Phone as requested by Council Excellence and Overview Scrutiny Committee on 18 November 2010 (Minute 67).

2.0 RECOMMENDATION/S

- 2.1 It is recommended that the Council Excellence and Overview Scrutiny Committee:
- (1) Note the contents of the current Mobile Phone Policy.
 - (2) Note that the Mobile Phone Policy will be subject to joint review between the Director of Law, HR & Asset Management and the Director of Finance.

3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 The purpose of the review is to ensure the policy is updated to meet future requirements.

4.0 BACKGROUND AND KEY ISSUES

4.1 Background

- 4.1.1 A copy of the current Mobile Phone Policy is attached (Appendix A). The Policy lists a series of guidelines that employees are expected to follow when they are issued with a mobile phone by the Finance Department (IT Services).
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- 4.1.2 The Policy has been updated in line with legislative changes, for example, use of mobile phones whilst driving and VAT changes etc.
- 4.1.3 The Mobile Phone Policy is also complemented by the Health & Safety Arrangements – Mobile Phones and Driving (Appendix B).

5.0 RELEVANT RISKS

- 5.1 There are no specific risks associated with this report.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 N/A.

7.0 CONSULTATION

- 7.1 No consultation has taken place at this time.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 8.1 None arising from this report.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 9.1 The implications will be established as part of the Policy review.

10.0 LEGAL IMPLICATIONS

- 10.1 The Council's current Policy includes the statutory requirement under Health & Safety under the use of mobile phones and driving.

11.0 EQUALITIES IMPLICATIONS

- 11.1 There are no additional implications.

11.2 Equality Impact Assessment (EIA)

- (a) Is an EIA required? Yes
- (b) If 'yes', has one been completed? No

- 11.3 An EIA will be completed as part of the review of the policy.

12.0 CARBON REDUCTION IMPLICATIONS

- 12.1 There are no carbon usage implications or other relevant environmental issues arising from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 13.1 There are no planning and community safety implications arising from this report.
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APPENDICES

Appendix A: Mobile Phone Policy

Appendix B: Health & Safety Arrangements – Mobile Phones and Driving

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council Excellence Overview and Scrutiny	18 November 2010

Mobile Telephones - Corporate Policy

1 Guidelines for Chief Officers

- 1.1 In every case where mobile phones are acquired the approval of the Chief Officer must be obtained.
- 1.2 Chief Officers must be satisfied that, in determining the number of mobile phones to be used, the sharing of such phones cannot be arranged.
- 1.3 Chief Officers are required to keep a register of mobile phone use in their Department including criteria for approval.
- 1.4 Chief Officers are required to approve the use of international and premium rate calls and for that to be recorded in the register.
- 1.5 Chief Officers are required to make arrangements for the collection of charges for personal use of mobile phones and to make users aware of those arrangements.
- 1.6 Chief Officers are required to ensure that mobile phone users are aware of the Council's advice on Health and Safety and the use of mobile phones when driving.

2 Criteria for Purchase

- 2.1 Mobile phones must only be acquired or retained when one or more of the following criteria are met:

Their availability is essential to provide for the security of staff visiting sites or clients away from their normal base and where there are identified risks to staff

Mobile staff need to be able to take immediate and effective action when away from their base in order to protect the public

Staff regularly operate away from a fixed base and there is a demonstrable need to have immediate two-way contact

Staff need to be in immediate contact outside normal working hours to activate or implement arrangements to deal with emergencies

It is cost-effective and enables the Council to deploy its human and material resources in a way which improves its ability to provide services

Staff need to be able to resolve issues outside normal working hours

A contract providing services for outside agencies requires the availability of mobile telephones

It is necessary for open air events organisations and associated public safety

It is not sufficient to use landline telephones, pagers or other methods of communication (e.g. mobile radio)

There are other special needs not referred to above, which must be approved and recorded in every case by the relevant Chief Officer.

3 Alternatives

3.1 Mobile radios may be a cost effective alternative in some circumstances and Departments should discuss the possibilities with WITS staff.

4 Records and Ongoing Control

4.1 Chief Officers must maintain a register of mobile telephones in use within their services and the register must indicate:

- The criteria for the acquisition and use of each mobile telephone.
- Permission for international or premium rate calls.
- That users have received appropriate health and safety information.

4.2 Itemised billing is mandatory and Chief Officers must make arrangements for security of such bills. Personal calls will be identified on itemised bills and paid for by the user (see 4.9).

4.3 The register must be available for inspection by officers of Internal Audit.

4.4 Chief Officers must ensure that the numbers, uses and justifications for retention of mobile phones within their services are reviewed at least annually.

4.5 Departments must ensure that mobile telephones are recovered from staff when they leave the Council's service.

4.6 Users must if possible use landline telephones for calls if this would result in a lower call charge.

4.7 The mobile telephone policy should be read and signed by all staff receiving or using mobile telephones.

4.8 Mobile telephones may be used for personal calls subject to such calls being paid for.

4.9 Personal calls must be paid for by adding 20% to the cost of calls for administration then adding VAT to the total..

4.10 A maximum call limit should be placed on all mobile telephones to protect the Council's interest in the event of loss or theft.

4.11 International numbers and premium line numbers should only be allowed on the authority of the Chief Officer.

4.12 Mobile telephone PIN numbers must be used.

5 Enforcement

5.1 Inappropriate use or modification of mobile telephones is viewed seriously by the Council and any breach of this policy could lead to disciplinary action being taken against those who commit this breach. Breaches may be considered gross misconduct and as such may lead to the dismissal of an employee concerned.

6 Users' Obligations

6.1 Users are responsible for the safe keeping of the mobile phone.

6.2 Users must ensure that PIN numbers are used to prevent unauthorised use.

6.3 Users are responsible for identifying and paying for the cost of personal calls plus VAT in accordance with Departmental arrangements.

6.4 Users are advised that any modification or inappropriate use of the mobile phone may lead to disciplinary action being taken.

6.5 Users must signify in the Departmental register their acceptance of the policy and their awareness of the health and safety information.

7 Proposed procedure for the collection of income due from personal calls made

Efficiency and therefore costs can be improved/ reduced by improving the administrative procedure for the identification of personal calls made and the collection of the associated cost of the calls.

The proposed procedure is as follows:

When making a private call, the user must dial the number adding an asterisk (*) to the end before pressing the send/ call key e.g. key 01516663435* then press send/ call. This will itemise all private calls on the monthly bill (UK calls only).

Billing information is forwarded to users in hard copy (invoices). Private calls made are denoted by an asterisk (*).

Exceptions to the rule:-

In instances where a mobile telephone is used as a pool phone i.e. more than one user in a billing period, or used to send text messages the above system should not be used. Instead users should highlight personal calls made on the bill and the Administrative Officer should complete a payroll input form to enable a deduction from salary.

8 Health and Safety Information

- 8.1 The use of mobile phones has been linked to an increased risk of brain tumour. Although such links are unproved, users are advised to minimise the use of mobile phones and to keep calls short. The use of earpieces and microphones should be considered.
- 8.2 Council advice on the use of mobile phones while driving is attached to this policy and further information can also be found under [Health and Safety](#).

Mobile phones and driving

Drive responsibly

When used properly, phones in cars can have many benefits. They can provide security and help in an emergency. But, they are distracting if used while driving and this increases the risk of an accident.

Drive safely

To drive safely you must concentrate. Talking on the phone distracts your attention from the road and this can lead to an accident. You cannot be in full control of your vehicle if you are using a mobile phone while driving.

The law says...

Drivers must have proper control of their vehicles at all times. From the 1st December 2003 drivers will be fined £30 if found using a hand-held mobile phone with a vehicle's engine switched on. The £30 fixed penalty can be increased to a maximum fine of £1000 if the matter goes to court (£2,500 for drivers of lorries and buses). You can also be prosecuted for careless or inconsiderate driving, or even dangerous driving, if using a phone causes you to drive in this way. The penalties for this include an unlimited fine, disqualification and up to two years imprisonment. It can also be an offence for employers to require their employees to use mobile phones while driving.

Never use a hand-held phone while driving

- You are not in full control of your vehicle if you are holding a mobile phone while driving.
- Keep the phone switched off. Only use the phone after you have stopped in a safe place

Even so - It's best not to use a hands-free phone while driving

- Using a hands-free phone while driving will distract you.
 - Although you may think that a hands-free phone will enable you to control the vehicle, your mind will not be fully on your driving. It's not like talking to a passenger who is aware of the traffic conditions and can see what is happening while you are driving.
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- Avoid taking calls. But if you must, say you are driving and end the conversation quickly. Otherwise you will put yourself and other road users at risk.

Use a message service and take regular breaks.

- For your own safety and that of other road users, use voicemail or divert calls so messages can be left for you while your phone is switched off.
- Find a safe place to park to make a call or receive messages. On a long journey take regular breaks to help you relax and reduce tiredness. But remember you cannot stop on the hard shoulder of a motorway except in an emergency.
- If you breakdown or have an accident on a motorway, it is best to use a roadside emergency telephone. The emergency services will be able to locate you more easily. If you have to use a mobile phone, first make sure you know your location from the numbers on the marker posts on the side of the hard shoulder.

Remember missing a phone call won't kill you - making one whilst driving might!

Managers

- Don't ask your staff to carry out two demanding tasks at the same time. It can be an offence for employers to require employees to use mobile phones while driving - you are asking them to drive while not in proper control of the vehicle.
- If it is essential for your staff to be contacted while they are driving, tell them to use voicemail or call diversion and to stop regularly to check messages and return calls.

Installation of hands-free equipment

Hands-free equipment should be installed according to the manufacturers instructions and should follow the British Standards Institution's "Guide to in-vehicle information systems" (DD 235:1996)

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Health & Safety Arrangements

Mobile Phones and Driving

Policy Statement

We recognise that mobile phone use is commonplace. In the workplace this equipment can assist service delivery and in some cases complement other measures to improve staff safety and security. However the use of any mobile phone whilst driving will increase the risk of accidents. Using a hand held mobile phone whilst driving after the 1st December 2003 will be a criminal offence. This includes all phones whether provided by this Council or not. We will consider the need for a mobile phone during risk assessment. Where staff must be contacted whilst driving we will install a "hands-free" kit properly assembled and fitted to the vehicle.

Definitions

The Road Vehicles (Construction and Use)(Amendment)(No4)Regulations provide these definitions:

A mobile phone - a device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.

Hand-held - a mobile telephone or other device is to be treated as hand-held if it is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function.

Interactive communication function - includes sending or receiving oral or written messages, fax, still or moving images or providing access to the internet.

Driving - a person is still driving even if the vehicle is stationary with the engine running. The offence applies to all motor vehicles including motorcycles.

Exemptions

There are 2 exemptions:

- 2-way "press to talk" radios, and
- making a genuine emergency call - 999 or 112 - if stopping would be unsafe.

Implementation

Within their departments Chief Officers will develop, in consultation with employees and their representatives, a safety management system to ensure that:

1. All staff are told about this health and safety arrangement and that this is recorded.
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2. A driver's hand held phone is turned off whilst driving.
3. Calls are diverted to a message service if necessary. Drivers should retrieve messages when driving has ceased.
4. Managers do not cause or permit a driver to use a hand held phone while driving. Evidence shows that using a hands-free phone can also contribute to unsafe driving. Managers should be wary of simply supplying a hands-free kit to comply with this new law. Other legislation, road traffic and health and safety regulations, might still be breached.
5. Where risk assessment suggests that immediate and regular communication is necessary this is agreed with line management. A careful analysis should be made. Managers should be wary of transferring the risk of failing to communicate to those associated with using a mobile phone.
6. If drivers must be contacted then a hands free vehicle kit is provided. This kit is to be to an approved standard and be properly installed to the manufacturer's instructions.
7. Before starting any journey the phone and hands free kit is properly assembled and ready to receive calls. The "any button" or "auto-answer" facility will be used.
8. The use, when driving, of mobile phones even with hands free kit is avoided. Where their use cannot be avoided and traffic conditions allow only incoming calls are accepted, telling the caller that you are driving and ending the conversation quickly.
9. Outgoing calls or other interactive communication are made when the vehicle is properly parked.

Remember

Under road traffic legislation using a hand held phone while driving is a criminal act. Similarly causing or permitting a driver to use such equipment is a criminal offence. Drivers should note that under existing legislation they must be in control of their vehicle and driving safely at all times. Additionally health and safety legislation requires an employer to manage and reduce where reasonably practicable risks which employees encounter in the course of their work. The risk from using a mobile phone while driving might be higher than the risk that the phone was originally designed to control.

Enforcement agencies eg Police and Health and Safety Executive etc will take action against individuals and employers failing to comply with the law. However any employee failing to comply with Council policy or procedures may be subject to disciplinary action.

Links to other resources

[Council "aide memoire" Mobile Phones and Driving DOs and DONTs](#)
