



MOBILE PHONE POLICY

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Approval

Version	Name	Position	Signature	Approved Date
V2.0	S Longland	HR Employee Relations manager		13 Jan 2011
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Glossary

Term	Description

1 INTRODUCTION

All staff working on any of the BADGER premises or any of the centres are covered by this policy. It also covers the use of BADGER mobile phones in company vehicles.

The policy covers the use of personal mobile phones during BADGER operational hours.

The policy also covers clinicians and self employed contractors.

2 BACKGROUND

This policy is required to ensure that patients or their carers are not exposed to insensitive ring tones that can be generated by mobile phones, whilst passing patient details to Call Handlers and Reception staff.

It is also required to ensure that personnel using company vehicles are aware of and comply with road traffic regulations that came into force on 1st December, 2003.

3 TEAM LEADERS / RECEPTIONISTS / DRIVERS WORKING IN CENTRES

On arrival at the centre mobile phones should be switched off or switched to silent mode for voice and text message calls prior to commencement of work.

Staff should only respond to a personal mobile phone call in an emergency. Personal mobile phone calls/texts should only be made from areas away from the call centre/operational environment.

Staff wishing to make a personal mobile phone call during a working shift should only do so after seeking permission of the Team Leader to leave their workstation.

If you are heard or seen using your mobile phone the Team Leader will ask you to stop immediately. Continued use of a mobile phone will reported to the Director of Operations and disciplinary action may be taken.

4 USE OF MOBILE PHONES IN COMPANY VEHICLES

The use of mobile phones in vehicles is covered by regulations issued by the Department of Transport in December 2003.

In addition to these regulations BADGER employees using company vehicles and mobile phones should be aware of the following restrictions.

- Mobile phones must only be used for BADGER business, personal phone calls or text messages should not be made
- The mobile phone numbers must not be divulged to any person not employed by BADGER
- Any faults or damage to the phone must be reported to the Team Leader immediately
- Details of PUK codes are available from the Team Leader if a phone is locked due to an incorrect pin number being used
- Mobile phones must be returned to the relevant Badger premises at the end of the shift and the Team Leader advised

In the event of staff needing to make a personal call, this should be reported to the Director of Operations via the Team Leader. The Director of Operations will decide if the cost of the call is to be repaid to BADGER.

5 LEGISLATION ON MOBILE PHONES AND DRIVING

The legislation states that it is a specific offence to use a hand-held phone, or similar device, when driving. Drivers still risk prosecution (for failure to have proper control) if they use hands free phones when driving.

In order to comply with the regulations BADGER personnel must comply with the following points:

- Hands free equipment can be used providing the phone can be used without holding it
- Calls must not be made or received holding the phone whilst driving
- Personnel should exercise caution when making or receiving a call whilst driving and should only do so if it is safe
- The use of the phone for texting is prohibited
- Driving also includes time when the vehicle is stopped at traffic lights or during hold ups that may occur during a typical journey when a vehicle can be expected to move off after a short time

The following extracts from Department of Transport are provided for clarification. Department of Transport – Guidance Note

Legislation on Mobile Phones and Driving and frequently asked questions

Q1. What does the regulation say about hand-held phones?

The use of a hand-held phone or similar hand-held device while driving is now prohibited. A hand-held device is something that "is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function".

A device is "similar" to a mobile phone if it performs an interactive communication function by transmitting and receiving data. Examples of interactive communication functions are sending and receiving spoken or written messages, sending or receiving still or moving images and providing access to the internet.

2-way radios are subject to special treatment under the regulations. See Q14 below regarding 2-way radios for further information.

Q2. Is hands-free phone equipment allowed?

Provided that a phone can be operated without holding it, then hands-free equipment is not prohibited by the new regulation.

Pushing buttons on a phone while it is in a cradle or on the steering wheel or handlebars of a motorbike for example is not covered by the new offence, provided you don't hold the phone.

However, hands-free phones are also distracting and you still risk prosecution for failing to have proper control of a vehicle under Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986 if you use a hands-free phone when driving. If there is an incident, the use of any phone or similar device might justify charges of careless or dangerous driving.

Q3. What about texting/internet access/video phones?

The use of a mobile phone or similar device for any of these activities while driving is also prohibited if the phone (or other device) has to be held in order to operate it.

Q4. Are drivers still able to use navigation equipment, personal digital assistants (PDAs) or other computer equipment that sends or receives data (which would include GPS transmissions)?

Yes - providing that it is not a hand-held device. Use of devices other than mobile phones are only prohibited if the device performs an interactive communication function by sending and receiving data. If the device does not perform this type of function, you can use the device without breaching the regulations.

But remember the warning in the Highway Code (Rule 128) that using in-vehicle systems can be distracting. You must exercise proper control of your vehicle at all times.

Q5. Why are you not banning the use of hands-free mobile phones while driving?

Using any type of phone while driving is distracting.

Drivers should remember that the police can still use existing legislation (for failure to have proper control) if a driver is distracted by a call on a hands-free phone. If there is an incident and the driver is using any phone (hand-held or hands-free) or similar device, then there is a risk of prosecution for careless or dangerous driving.

Q6. Will mobile phones have to be switched off in vehicles?

No. Passengers may want to use them. Drivers can use them when they are safely parked.

Q7. What if the phone rings when I'm driving?

Let it ring and return the call when safely parked. Better to switch to voicemail before starting is preferable.

Q8. To whom do the new regulations apply to?

The new regulations apply to the drivers of all motor vehicles on the road, including cars, motorcycles, goods vehicles, buses, coaches and taxis.

They also apply to anyone supervising a learner driver, while the learner driver is driving. Anyone supervising a learner driver needs to be concentrating on what the driver is doing and should not be using a mobile phone.

Q9. Do the new mobile phone regulations apply to cyclists?

No. However, the police have powers to deal with careless or dangerous cycling.

Q10. Can I use a hand-held mobile phone when stopped in a traffic jam?

The prohibition applies when driving. Driving includes times when stopped at traffic lights or during other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short time.

In exceptional traffic jams, such as a lengthy stoppage on a motorway, it would be clear that someone wasn't driving if the engine was off.

Q11. Are there any exemptions?

Yes. There is an exemption for calls to 999 (or 112) in genuine emergencies where it is unsafe or impractical to stop. There is also an exemption for the use of 2-way radios (see Q14 below).

Q12. Am I allowed to cradle a phone between my ear and shoulder?

No. The offence applies if a phone has to be "held" while making or receiving a call. Therefore you should not hold a

phone between your ear and shoulder - or anywhere else - when driving.

Q13. Are employers guilty of an offence if their employees use a hand-held phone while driving?

The new regulations apply to "anyone who causes or permits any other person" to use a hand-held mobile phone while driving.

The Department considers that employers would not be liable just because they supplied a telephone or because they phoned an employee who was driving. However, employers would probably be liable if they required their employees to use a hand-held phone while driving and might also be liable if they failed to forbid employees to use such phones on company business.

Q14. Are 2-way radios included in the new offence?

The use of 2-way radio equipment when driving is not included in the new offence but remember there is still a risk of distraction and prosecution under other powers.

Q15. If you prohibit using mobile phones, then surely you'll have to stop people talking or tuning the radio? What powers do the police have?

We have no such intentions. There are many potential distractions while driving and it remains the driver's responsibility to drive safely at all times. Research shows that it is more distracting to talk on a mobile phone than to have a conversation with a passenger who can see what is happening.

Q16. Where can I go for more information?

You should seek independent legal advice if you are in doubt as to whether any particular action is prohibited by the regulations.

You may find the attached flowchart helpful. You may also like to see the letter we issued on 24 June 2003 on the results of consultation on our initial proposals for an offence of using a hand-held mobile phone while driving at:

The legislation is available at <http://www.legislation.hmso.gov.uk/si/si2003/20032695.htm>. Look for Statutory Instrument No 2695 - The Road Vehicles (Construction and Use) (Amendment) (No 4) Regulations 2003.