



TOLLCROSS
housing association

Mobile Phone Policy

Prepared By	Anne Fitzsimons, Corporate Services Director
Policy Created	//
Date of Last Review	//
Date of Current Review	25 th March 2019
Date of Next Review	March 2022
Reviewed By	Management Committee

CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as computer disc, tape, large print, Braille etc. and these can be obtained by contacting the Association's offices.

1. Introduction

- 1.1 The aim of this policy is to outline the Association's rules on the usage of company mobile phones; and
- 1.2 To reinforce the legal requirements first enacted in December 2003, that prohibits the use of hand-held mobile phones and similar devices whilst driving;
- 1.3 This policy is complemented by the following:
 - The ICT Acceptable Usage Policy (mobiles), which provides information on the use of mobile phones
 - The Health & Safety Control Manual – Electromagnetic Radiation provides information to staff on the health and safety risks relating to the continued use of mobile phones and how the Association aims to help staff mitigate these

2. Equality and Diversity

- 2.1 The Association's Equality and Diversity policy outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics¹. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or audio.
- 2.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals.

To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy for more information).

- 2.3 In line with section 6.3 of the Equality and Diversity Policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is not required.

¹ The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

3. Mobile Phone Usage

- 3.1 In order to enhance communication in our work, the Association provides mobile phones to certain posts (Housing Officers, Housing Managers, Maintenance Officers, Maintenance Managers, Advice Centre and Helenslea Sheltered Housing Complex). In addition, the Association also has a bank of mobiles phones to be shared by staff who are out on business during the day. These phones must be returned to the office that same day. The Association will pay for all business calls, however, personal calls are forbidden (with the exception of the Leadership Team as detailed below). Failure to adhere to these conditions will result in the withdrawal of the use of the phone and the reimbursement of the cost of any personal calls made, for the staff member concerned.
- 3.2 In relation to the Leadership Team (Director level and above) each month the Finance Director will authorise the mobile phone bill and liaise with individuals where personal calls exceed £20.00. Any calls over the £20.00 allowance should then be paid for, unless the employee can highlight these are business calls. If all calls are business calls then the employee should write this on their bill and sign it off. The Finance Department will then arrange to confirm to each employee the amount of funds owed to the Association and this will be deducted from the employee's salary. Each employee will be required to sign an acceptance form agreeing to the above and for funds to be taken directly from their salary (Appendix One). Failure to adhere to these conditions will result in the withdrawal of the Company mobile phone.

4. Mobile Phone Prohibitions

- 4.1 The Association also recognises the regulations which were enforced on the 1st December 2003 and this Policy is to safeguard employees and the Association from risks associated with the use of hand held devices whilst driving. This Policy advises staff of the general intent of the regulations and makes the Association's position on compliance with these regulations clear.
- 4.2 The general details of the ban are that the use of all hand-held services whose function is to transmit and receive data is prohibited during driving. This includes hand-held devices that:
- send or receive oral or written messages; or
 - send or receive faxes; or
 - send or receive still or moving images; or
 - provide access to the internet

- 4.3 All staff are hereby instructed to follow the procedures detailed below while on Association business.
- 1) All staff are prohibited from using hand-held mobile phones, hands free kits and similar devices at all times, whilst driving. This is to protect staff, as should using hands free or similar device mean that the driver is not taking due care and attention they are still at risk of being charged and prosecuted under other road traffic legislation – including where an incident occurs – for careless driving or in severe cases, reckless driving.
 - 2) Mobile phones or similar devices may only be used by the driver once they have safely parked the vehicle.
 - 3) Except where a passenger is also travelling and is able to make or receive calls, drivers must put the voicemail facility on at the start of their journey and routinely check voicemail once they have safely parked the vehicle and not whilst stopped at traffic lights or in a traffic jam.
 - 4) Exceptions to these general rules are made for calling the emergency services and for acting in response to a genuine emergency where it would be unsafe or impractical to stop driving to make the call.
- 4.4 An outline of the Government regulations, attached as Appendix Two will be provided to all staff for information.

5. Policy Review

This policy shall be reviewed at least every 3 years or earlier, if required by changes in legislation, rules, financial obligations or deemed necessary by Management Committee.

Appendix One

Tollcross Housing Association Mobile Phone Policy

I confirm that I have read, accept and understand the Mobile Phone Policy.
I give approval to the Finance Department to deduct the cost of personal phone calls, above the allowance detailed in the Mobile Phone Policy from my salary each month.

Name of Employee	
Signed by Employee	
Signed by Line Manager	
Date	

Appendix Two Summary Regulations

Mobile phone driving laws were first enacted in December 2003, and since 2007 the penalty was three points on your licence and a fine (£60 at first, but £100 from 2013). But from 1 March 2017, the penalty doubled – so being caught using a mobile phone while driving carries a penalty of six points and a £200 fine. The Government provides summary guidance as follows:

Using a phone or a 'sat nav' when driving

It's illegal to hold a phone or 'sat nav' while driving or riding a motorcycle. You must have hands-free access*, such as:

- a bluetooth headset
- voice command
- a dashboard holder or mat
- a windscreen mount
- a built-in sat nav

The device must not block your view of the road and traffic ahead.

***This refers to personal use and the Association is clear in this Mobile Phone Policy that use of hands free or similar device is prohibited.**

You must stay in full control of your vehicle at all times. The police can stop you if they think you're not in control because you're distracted and you can be prosecuted. The law still applies to you if you're:

- stopped at traffic lights
- queuing in traffic
- supervising a learner driver

When you can use a hand-held phone

You can use a hand-held phone if either of these apply:

- you're safely parked
- you need to call 999 or 112 in an emergency and it's unsafe or impractical to stop

Penalties

You can get 6 penalty points and a £200 fine if you use a hand-held phone when driving. You'll also lose your licence if you passed your driving test in the last 2 years.

You can get 3 penalty points if you don't have a full view of the road and traffic ahead or proper control of the vehicle.

You can also be taken to court where you can:

- be banned from driving or riding
- get a maximum fine of £1,000 (£2,500 if you're driving a lorry or bus)

For further information please refer to:

<https://www.gov.uk/using-mobile-phones-when-driving-the-law>