

Today's Topic/Issue

According to UK Driving Law, hands-free phone use is legal, but it is not risk-free.

Drivers may use a phone through a hands-free system, provided they do not hold the device. However, they must always remain in full control of the vehicle. If using a hands-free device causes distraction and affects their driving, they may still be prosecuted.

As a result, many businesses apply their own 'Company Driving Policy' to protect their people and others from the hazards of distracted driving.

QUICK QUIZ

What are the distractions when using the mobile phone?

The Law vs Company Policy

It is illegal to hold and use a mobile phone or similar interactive device while driving. This applies even when stopped in traffic or at traffic lights. There are only limited exceptions, such as making a genuine 999/112 emergency call where it is unsafe or impractical to stop. Hands-free use is permitted provided the phone isn't held during use.

The British Safety Council provide the following guidance for businesses:

"It is good practice for employers to advise their drivers to switch off their mobile phones altogether when driving and to use voicemail, a message service or call diversion so the messages can be picked up when the journey ends. In addition, drivers should be trained to avoid taking calls on a hands-free phone when driving, and if they must answer, they should say they are driving and end the call".



QUICK QUIZ

What is the legal definition of driving?

Navigation and Other Electronic Devices

A phone can be used hands-free for navigation, provided it is secured appropriately and the driver doesn't hold it. But programming, changing or interacting with it while driving can create a distraction, so routes should be set before starting the journey or the vehicle should be stopped somewhere safe. This also includes:

- changing music
- reading notifications
- checking emails
- responding to messages
- looking through maps
- accepting jobs through an app (e.g. uber, deliveries etc)
- taking photographs
- scrolling
- searching for information.

The hand-held offence now covers using the device for any purpose, not merely making calls or sending messages.

BEFORE YOU DRIVE

- ☐ Set your sat-nav
- ☐ Choose your music
- ☐ Connect Bluetooth if required
- ☐ Put the phone somewhere you won't be tempted to pick it up
- ☐ Turn off unnecessary notifications
- ☐ Tell people you are driving and may not answer
- ☐ Make any necessary calls before setting off

WHILE DRIVING

- ☐ Don't pick up the phone
- ☐ Don't read messages
- ☐ Don't respond to notifications
- ☐ Don't interact with apps
- ☐ Don't allow a conversation to distract you
- ☐ If you need to deal with something, find a safe and legal place to stop.



Mobile Phones whilst Driving

Being caught holding and using a handheld phone, sat nav, or tablet while driving typically results in 6 penalty points and a £200 fixed penalty notice.

Whilst the law came into force in 2022, 13,000 drivers were successfully prosecuted for the offence by 2024, showing that mobile phone usage continues to be a major hazard for UK road users.

QUICK QUIZ

What are the distractions when using the mobile phone?

- less awareness of what's happening on the road around them
- failure to see road signs
- failure to maintain proper lane position and steady speed
- higher likelihood to 'tailgate' the vehicle in front
- slower reactions, taking longer to brake and longer to stop
- higher likelihood to enter unsafe gaps in traffic
- feeling more stressed and frustrated.
- drivers are twice as likely to crash using a phone than under the influence of alcohol
- drivers are four times more likely to crash injuring or killing themselves and other people

Hands-free removes the need to hold the phone, but it does not remove cognitive distraction. The HSE defines distraction as concentration being taken away from driving and specifically lists mobile phones, notifications and apps among driving distractions. Reducing or removing distractions significantly reduces risk.



Toolbox Talk – SUPERVISORS NOTES

Mobile Phones whilst Driving

2026/27

QUICK QUIZ

What is the legal definition of driving?

If you must use a handheld mobile then you'll first have to stop driving, which means parking up safely and legally with the handbrake on. The Highway Code says that if you must stop on the roadside, you must switch off your engine so you should do that too – it'll help avoid any doubt that you may still be driving, and is better for the environment too.

If you're stopped but in a queue of traffic, at lights or in congestion for example, then this is classed as still driving.

What should you do if you realise the person you have phoned has answered the call whilst driving?

- Keep the conversation very short
- Arrange a time to call back or ask them to call back when they are not driving
- Do not text them as texting is as dangerous as telephone calls
- Do not extend the call duration, even if the driver insists that they are happy to talk whilst driving



Toolbox Talk - Attendance Sheet

Site/Department Name:

Trainer Name:

Signature:

Toolbox Talk Topic:

Date:

Name	Signature

Any further feedback or questions from attendees regarding this toolbox talk topic?