

Fleet

WEEK

[DUTY OF CARE]

**How to take responsibility
for the safety of your fleet**

in association with

RAC

Auto
Windscreens

The working week can be a killer – for 15 people at least. That’s how many will die this week, next week, and the week after. Perhaps they’ll be your colleagues. All will have died in the course of their work, while driving. Did you do enough to protect them? Are you sure?

Introduction

We’ve all been guilty at some time of taking risks on the road. Hopefully, most of us will have got away with it and reconsidered our future conduct.

Not so fortunate are the 3500 people killed on the UK’s roads every year. A third of all road accidents involve someone who is at work at the time. In other words, every single day three people will be killed on the roads while working and 33 will be seriously injured.

Although improvements in car safety and tightening of health and safety guidelines are taking effect, the Government is keen to achieve its 2010 target of reducing by 40% those killed or seriously injured on the roads.

As a manager you have a legal responsibility to ensure the health and safety of all your employees while they are at work. Health and safety law applies to on-the-road conduct as it does to all work activities. And it’s not just company car drivers but cash for car, too.

Given the figures it’s not unsurprising the Government is concerned and planning further legislation. In the pipeline are the Road Safety Act and the long-awaited Corporate Manslaughter Bill.

Under the latter offence, senior company directors could face substantial unlimited fines for failing in their duty of care should a fatal incident occur in a vehicle which is being used for company business.

The Bill is intended to target corporate liability, as opposed to the responsibility of individual directors or others. But individual prosecutions will continue to be possible for existing offences, so failure to comply could still lead to a prison sentence. There is also the resulting adverse publicity to consider, which could have serious effects for your business, small business or plc alike.

The police, too, are stepping up their investigations. If an accident involves someone driving on company business, officers will now look into why the vehicle was at the scene, its mechanical condition, the physical condition of the driver and the legalities (such as MoT and insurance). If they believe there is a case for prosecution, they will hand the case over to the health and safety executive.

For all these reasons, it is vital that a vehicle and driver audit trail exists to show that the policy for employees driving on company business is based on sound health and safety best practice guidelines.

Case study

Making at-work road safety work for you

A North-East delivery firm escaped prosecution when one of its drivers caused the death of another motorist while using a hand-held mobile phone. In court the company was able to produce its driver handbook, instructing staff not to use hand-held mobiles while driving, which the driver had signed. The company had complied with health and safety; the driver, though, was sent to prison.

New HSE guidelines extend company responsibility to ensure the safety of journeys to and from work, even though these don’t fall under the Working Time Directive and are not eligible for business expenses claims

The Provision and Use of Work Equipment Regulations 1998 (PUWER) require that equipment provided for use at work – including vehicles – is suitable for its intended employment and is maintained safely.

Did you know?

Around 75% of male employees and 49% of female employees use a vehicle in the course of their work. A total of 10.5m people at some point in their lives drive a licensed road vehicle for business purposes – 1.5m commercial drivers and 9m other business users.

Source: Reducing at-work road traffic incidents, report of the Work-related Road Safety Task Group (October 2001) and Prioritising work-related road safety, report by RoSPA (2003).

What does the law say?

The **Health and Safety at Work Act 1974** requires employers and the self-employed to ensure, so far as is reasonably practical, the health and safety of staff while at work. Vehicles are now classified as places of work, which means that they fall under the provisions of the Act. It is also your responsibility to ensure that others are not put at risk by work-related activities.

Under the **Management of Health and Safety at Work Regulations 1999**, employers must carry out periodic assessments of the risks to the health and safety of their staff while they are at work – including at-work driving – and others who may be affected by their activities

About this guide

This guide is designed to help you understand the risks your staff may face on the roads and, where possible, minimise the dangers by implementing a sound duty of care policy.

While developing and improving your duty of care is crucial, it shouldn’t be daunting thanks to the amount of guidance available. HSE’s ‘Driving at work’ booklet is invaluable – it can be found on their website at www.hse.gov.uk/pubns/indg382.pdf – while we’ve also listed other useful sources.

Spending time developing an effective policy now may save you money and heartache in the future. Make sure that you – and your staff – are properly prepared for life on the road.

Managing from the top

It's the only place for an effective safety policy to start according to Bill Callaghan, chair of the Health and Safety Commission: 'Health and safety should be a priority boardroom issue for every company.'

Once you have top-level backing, you can turn your attention to managing and assessing the risks your employees face, ensuring staff are given relevant advice and, where necessary, driver training. Additionally you can regularly audit the safety performance of your fleet, identifying where worthwhile achievements have taken place but also spotlighting new areas that require attention.

The cost of an accident

There are many benefits to instigating a good at-work road safety policy. An accident's cost goes beyond the 'bent metal' invoice – it is generally accepted that the ultimate 'cost' of an accident is 10 times the vehicle repair. So if an accident costs you £1000 in body shop repairs, expect the top line figure to be £10,000 once you've factored in items such as temporary staff, temporary cars and lost business.

Put like this, the business case for improved health and safety is compelling. As a company you can expect to gain from fewer days lost due to work-related ill health and injury, improved staff morale, fewer vehicles off the road for repair, reduced running costs due to better driving standards, less chance of key employees being banned from driving and a reduction in insurance premiums.

Beyond these business benefits, there is also a strong moral case for operating a duty of care policy. The human cost of road accidents on victims, relatives and friends is unquantifiable. Even relatively minor accidents can lead to

time off work due to injuries such as whiplash injuries or trauma.

Issues such as speed, drink driving and use of mobile phones require clearly defined policies, which should be communicated to everyone. 'Some of the suggestions can be made without relying on sizeable resources but through adopting a different cultural approach, for example through improved communications and encouraging driver feedback,' commented the Department for Transport (Safety culture

Did you know?

There are approximately 3m company-owned vehicles in the UK. Around two-thirds of company cars are subject to an insurance claim every year. The cost to employers of at-work accidents is estimated to be £2.7b per year, including cost of employee absence, insurance and damage claims.

Source: ROSPA and Reducing at-work road traffic incidents, report of the Work-Related Road Safety Task Group (October 2001).

and work-related road accidents, July 2004). Companies should actively monitor to assess employee compliance with any policies and remain aware of how their own actions can pressurise drivers to contravene health and safety guidelines.

It is essential that a complete record of accidents be kept within your company or through an accident management services

company. The nature of accidents, the frequency and the responsibility should always be investigated together with trends in penalties and other offences to identify driving activities where further action to improve safety may be needed.

If you are not sure how to do this, then a risk management tool could be the answer. Ideally this should enable a fleet to monitor incident history and produce detailed reports. In turn this should generate proactive strategies to manage any dangers.

It is very useful to liaise with police forces, road safety bodies and other organisations on best practice issues. Managers should discuss at-work driving with their drivers during periodic staff appraisals and team meetings. The circumstances of individual offences should form part of an individual employee's performance appraisal, leading to new personal performance targets.

Promoting a good driver safety culture at work may spill over into private driving, which could reduce the chances of staff and their families being injured in a road traffic accident.

So what should I be doing?

- Number one priority is to make sure that a clear health and safety message filters through the workforce outlining your safety objectives as a company. It is important that all policies receive high-level support from senior management.
- Put in place a good safety organisation with clear responsibilities and relationships to promote co-operation and communication at every level. If you employ more than five workers, you will need to write down your health and safety policy – go to the Health and Safety Executive's website at www.hse.gov.uk for advice
- Introduce a planned approach to safety with performance standards for controlling or eliminating risk based upon risk assessment
- Measure safety performance by monitoring compliance and investigating accidents
- Review performance against targets using data so that policies can improve

This final step is crucial. **Duty of care is an ongoing cycle of improvement** – you will need to monitor progress and identify areas where risk can be further reduced. We've listed in the next chapters some practical steps to road risk management. Don't forget that any changes to your employees' circumstances may require a review of your current policy.



Managing the risk providing the right vehicles

Long gone are the days of lobbing a new member of staff the keys to their company car and telling them to get on with it. Not only should you explain the company policy but consider the suitability of the vehicles you provide for your staff. For example, a fast car for a relatively inexperienced driver would be inappropriate.

Cars and staff checklist

- Are they using the correct vehicles for the job? For example, can goods and equipment that are carried in a vehicle be properly secured? Do you provide fast cars to young drivers without formal driver training? Drivers of higher performance cars are more likely to speed and to have speeding convictions. When choosing vehicle fleets, try to offer a choice including smaller-engined vehicles and ensure your staff understand that there may be tax incentives for choosing one.
- Are the vehicles too old? Should they be replaced? Supplementing or replacing your fleet with leased or hired vehicles may be worth considering as an easy first step towards managing at-work road risk more effectively. 'If company and lease vehicles are procured and serviced centrally, it is easier for the employer to specify their safety requirements and keep a check on matters such as servicing,' (ORSA). Newer vehicles have longer servicing schedules, which save costs, and they are generally more fuel-efficient as well as being better equipped.
- Review how the vehicles you provide are maintained. Do you provide periodic maintenance, or do you have a planned maintenance programme – perhaps as part of a leasing agreement – that ensures the vehicles are maintained to the correct specifications? Do you have up-to-date records? Servicing your vehicles regularly at the intervals recommended will keep up performance quality, increase the resale value and ensure that warranty claims are dealt with promptly.
- What about looking after vehicles between servicing periods? One of the disadvantages of long service intervals is that regular items can go unchecked. It is an offence to drive if



the following are not in good working order: seatbelts, brakes and steering, lights, windscreen, windscreen wipers and washers (you can be prosecuted for having an empty washer bottle), demisters, mirrors, tyres (including spare), silencer, exhaust system.

- Recent research has suggested that many drivers do not know how to check their oil levels or conduct basic vehicle maintenance. So it's worth increasing driver awareness by putting in place a policy that requires drivers to undertake a weekly check (or before each journey) of tyre pressures, lights, windscreen wipers and all fluid levels. (See also chapter 4, later.)
- Is safety equipment properly fitted and maintained? You should check safety features such as seatbelts and airbags as part of maintenance. Consider adopting a choice list that uses Euro NCAP crash test results as an acquisition benchmark: the Peugeot 1007 has just been announced as the highest scoring car ever in all classes for adult occupant protection. Euro NCAP has also issued a strong recommendation that motorists ensure their next car is fitted with a Stability Control system. Available from most manufacturers, these systems dramatically reduce the chances of being involved in an accident by helping drivers to maintain control of their vehicles.
- It is estimated that up to 90 per cent of vehicles on the UK's roads do not have the correct pressure in their tyres, leading to reduced fuel economy, increased tyre wear and greater likelihood of a serious road accident. Failure to check tyres regularly means drivers unknowingly spend an extra £790m on fuel and £230m on new tyres.

For smaller companies, the use of privately owned vehicles for company business is not a new health and safety issue. However, if your staff use their private cars for business, it's up to you to make sure that you see regular proof of the following:

- **the driver is licensed to drive**
- **the vehicle is in a roadworthy state**
- **the vehicle is suitable for the job for which it is being used**
- **the vehicle has an MoT if over three years old**
- **the vehicle has been properly maintained with a pre-journey safety check**
- **the vehicle is correctly taxed and insured for business purposes**

Failure to do any of this could leave your business liable if your employee causes a fatal accident, which could mean a hefty fine or even a prison sentence for one of the directors.

Because of the difficulties with insurance, some companies opt to pay the business insurance premium themselves. Others ban the use of private vehicles for company business altogether.

One alternative might be to consider an Employee Car Ownership Programme (ECOP), which delivers the driver tax benefits of a cash for car scheme – the finance is »provided directly to the drivers – but within a typical company car framework. Another pragmatic solution could be to consider short-term hire, which hands the responsibility of ensuring that vehicles are fit for purpose over to the car rental company. Vehicles can be delivered swiftly while rates are competitive.

Managing the risk consider the drivers

The next step is to assess the people working for you. Are your drivers fit to drive? This might seem like an obvious question. But do you know?

Consider your company policies and how you communicate them to your staff. Make sure that the lines of communication are clear and that your safety policy is widely available and has been issued to every driver. You also

Did you know?

Under 30% of UK drivers realise that it is an offence to eat, drink or even read a map while at the wheel of a car. Worryingly, the research also found that in spite of recent legislation 65% of drivers still admitted to using a handheld mobile phone while driving.

Source: RAC Auto Windscreens

need to check that drivers are aware of their responsibilities for the car they drive.

Ten point management plan

- 1** When you interview potential employees, do you check their licence status, accident history and so on? Assess the driving attitudes and competence of all staff who drive for work. Appropriate driver training or remedial action should be undertaken.
- 2** Are your drivers up-to-date with the rules of the road? Make sure company policy covers important aspects of The Highway Code.
- 3** What about their eyesight? It has been estimated that one in three drivers in the UK could be putting themselves and others in danger because they are not getting their eyes tested regularly. Driving with uncorrected defective vision is an offence that carries a fine of up to £1000, three penalty points and possible disqualification.
- 4** It is important that every driver is medically capable of driving a vehicle on the road.
- 5** Do you check your employees' driving licences? Driving licences should be checked at appointment and on an annual basis for endorsements or disqualifications. Or how about a driver licence validation service? The RAC provides a driver licence checking service to check the points records and licence category information of anyone driving on company business through the DVLA database.
- 6** One in six people driving on company business has three or more penalty points. Do you have a set procedure for reporting endorsements or disqualifications?
- 7** Are some drivers having more accidents than others? Should you offer driver training if that's the case?
- 8** Do you have clear company rules on the use of mobile phones while driving? RoSPA says tests have shown that driver response times are 30 per cent slower when using a handheld mobile than when driving with excess alcohol. Review work practices to ensure that they do not pressurise employees to make or take phone calls, send messages or transact business while driving. Stipulate that these activities must only be done when parked safely and engine turned off.
- 9** What about drink driving and drugs (including prescription and over-the-counter medicines)? The new Road Safety Act will introduce mandatory retesting for repeat drink drive offenders. Police now have the powers to require drivers to provide samples for drug screening and roadside testing. Do you have a policy for drink and drugs?
- 10** Do your drivers carry out inspection of their vehicles? It is an offence if, for example, the following are not in working order: lights, windscreen wipers and washers; tyres; and seatbelts. Making staff check oil levels and tyre pressures once a week would also be a sensible requirement in any duty of car company policy.

Above all, make sure that all company guidelines are issued to employees and that they have read and understood them.



Speed offences top licence endorsement

Speeding offences are the most common endorsement on employees' driving licences, followed by driving above the alcohol limit, according to research by RAC's driver licence checking unit. With the government toughening its position on these offences under the new Road Safety Act, you need to get firmer on driving offenders or you could find yourself short of staff.

Provisions include graduated fixed penalties for speeding and roadworthiness offences, making driving without proper control and using a handheld mobile phone into endorseable offences and an increase in penalty points for failing to identify a driver. A new indictable offence of "causing death or serious injury by careless driving" may also be introduced with a maximum five-year prison sentence.

Managing the risk improve the journey plans

Providing adequate health and safety measures doesn't stop with vehicle and staff checks. You need to consider how your employees go about their business – and the possible impact of what they do on others.

Do your drivers use the safest routes, or are they tempted down rat-runs to save time, for example? Every journey should be a managed journey. Require those responsible for journey planning (line managers or drivers themselves) to take account of road type (accident rates are lowest on motorways and dual carriageways); hazards (road works or accident black spots); traffic densities (time journeys to avoid peak traffic hours); and high-risk features such as schools or busy shopping centres.

Did you know?

Levels of risk for high mileage drivers are comparable to construction, quarrying and coalmining.

Source: ORSA.

Route planning checklist

- Do your drivers make deliveries in tight yards or reverse into difficult or unsighted spaces? One in four fatalities at work involve a vehicle that is reversing, according to the Health and Safety Executive.
- Another aspect to consider is delivery schedules. Are they realistic or are you asking drivers to meet impossibly tight delivery times and appointments? Ensure that journey plans include time and places to stop for rest and refreshment, and to check for messages and return calls.
- You should also think about the number of miles you ask your staff to drive each day or each week. Is it excessive? Set reasonable maximum mileages which drivers should not be expected to exceed in a single day. Support this with clear policies that allow staff to take overnight stops, or ensure the driving can be shared.
- Driver fatigue is one of the biggest killers on our roads, causing 10% of all crashes and approximately seven deaths every week,



according to the Department of Transport.

As a working rule, no driver should be required to drive continuously for more than two hours without a 15-minute break.

- Schedules should also seek to reduce night driving and avoid those times of day when falling asleep at the wheel is more likely.
- New figures from the RAC revealed that 55% of motorists admitted to speeding 'most days' on the UK's roads. Analysis of casualty statistics in the UK shows excessive speed to be a contributory factor in nearly a third of all fatal collisions.
- Are journeys critical? Would alternative travel methods – such as the train – be a more effective means of transport? What about the benefits of tele- or video-conferencing? If road travel is unavoidable, maximise car sharing to reduce journeys.
- Do you have the flexibility to introduce revised route planning if adverse weather threatens driver safety?
- Consider introducing technology such as telematics that might help you to plan journeys along optimum routes.
- Many commercial vehicles are already fitted with tachographs, devices that record journey details. But it is rare to find such technology in passenger vehicles. It might be worth investing in a mileage capture system, for example, which allows you to analyse time and mileage spent on the road to benchmark a safe travel limit.
- Fuel cards can be another way to capture driver mileage status, enabling you to take remedial action to ensure adequate rest breaks and realistic schedules.



Making safety count managing the fleet

Fleet manager Andy Gray (above) is responsible for RAC Auto Windscreens' 1200 strong fleet: 900 vans, 300 cars. Together the fleet clocks up 27m miles a year and has an annual fuel spend of £1.5m.

An area of continuous review is risk management. Gray is proactive in managing risks and has cut the number of at-fault accidents from 262 in 2003 to 223 in 2004.

Gray attributes the reduction in at-fault accidents to the constant drip-feed of safety information. He said: "We constantly send out safety leaflets to staff. There is also a sticker on every dashboard reminding drivers to check oil, water and tyres."

Duty of care are you at risk?

**You're running a fleet of vehicles but are you also running a risk?
If there is an accident, you could be the one to suffer.
Check out our checklist to see whether you are at risk**

- Are vehicle servicing schedules being strictly adhered to in your organisation?
- Are you conducting regular roadworthiness checks on your vehicles?
- Are drivers' motoring histories checked before being taken on?
- Are original driving licences (not photocopies) being checked on a regular basis?
- Are you running driver licence checks directly with the DVLA?
- Do you repeat these checks?
- Do you have a drug and alcohol policy?
- Are new employees given a pre-employment driving assessment?
- Do you issue documents relating to road, vehicle and general safety at induction?
- Is there a formal driver training programme in force?
- Are you maintaining road safety and loss control practices in line with corporate safety policy and international law?
- Would your drivers know what to do in the event of an accident?
- Are your drivers aware of company policy on work related safety?
- Are you aware that you have a responsibility to ensure not only the health, safety and welfare of your employees while at work, but also to ensure that others are not put at risk by your work related driving activities?
- Can you be 100% sure that your current policies and procedures meet your legal obligations?

Where to turn for help

Brake

www.brake.org.uk

Department for Transport

www.dft.gov.uk

Euro NCAP

www.euroncap.com

Health and Safety Executive

www.hse.gov.org

Managing Occupational Road Risk

www.morr.org.uk

The Driving Standards Agency

www.dsa.gov.uk

The Highway Code

www.highwaycode.gov.uk

**The Royal Society for the
Prevention of Accidents (ROSPA)**

www.rosipa.com

Think! The Road Safety website

www.thinkroadsafety.gov.uk

Occupational Road Safety Alliance

www.orsa.org.uk

RAC

www.rac.co.uk

RAC Auto Windscreens

www.racautowindcreens.co.uk

Roadsafe

www.roadsafe.com



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