

## Managing Your Fleet: Management Briefing

It is estimated up to a third of all road traffic accidents involve somebody who is at work and that these accidents account for over 20 fatalities and 250 serious injuries every week. Organisations, their directors and senior managers all carry a legal responsibility to ensure that journeys undertaken on behalf of their business can be undertaken safely.

### Key points:

- Although drivers have a clearly defined personal responsibility for their safe driving, their employer also shares that responsibility
- Organisations have responsibilities not only for the journeys of their employees, but also those undertaken by agency workers and subcontractors
- Along with the potential for death or serious injury of road users, the organisation and responsible individuals risk fines, imprisonment, reputational damage and where applicable, loss of operators' licenses for goods and passenger vehicles.

### Recommendations for employers:

- Put in place a health and safety policy covering all driving for work
- Undertake risk assessments taking into account the particular drivers, vehicles and journeys
- Record and investigate accidents and near misses and examine trends
- Ensure that any vehicles used for any work purposes (including employee's private vehicles) are suitable for the task and safe for the purpose
- Ensure that there is a robust vehicle maintenance and inspection programme for company vehicles
- Ensure that the company has an operator's license where they operate heavy goods vehicles or passenger carrying vehicles (above 8 passenger capacity)
- Ensure that all drivers have a valid license to drive the intended vehicle
- Ensure that driving activities are covered by suitable insurance for driving for work and that vehicles have an MOT certificate where applicable
- Take appropriate action to ensure that drivers are medically fit - in many cases it is appropriate to include a medical assessment at the start of employment

### Legal duties

The duties for the management of fleet safety are contained within:

- Road Traffic Acts, the Road Vehicles (Construction and Use) Regulations, and other roads and goods vehicle legislation
- Health and safety legislation including the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999.

Organisations may be convicted under the Corporate Manslaughter and Corporate Homicide Act 2007 if a road death is associated with a gross breach of duty of care caused by senior management failure.

Individual directors and senior managers also risk personal charges of gross negligence manslaughter where their gross failures have resulted in a death.

- Implement a drug and alcohol policy and consider routine testing for professional drivers
- Ensure that there are procedures for safe loading and unloading and safety of the load during transit
- Ensure that drivers are instructed in driving rules including restrictions on the use of mobile phones and other gadgets whilst driving
- Monitor the safety of drivers
- Ensure that drivers and vehicles are prepared for emergencies and bad weather
- Ensure that work scheduling does not encourage poor driving habits such as speeding or driving with insufficient rest periods and maintain control over driving and duty hours
- Keep records to demonstrate that the business has taken action to ensure driver/vehicle safety and to comply with relevant operator's license conditions where applicable.

## Case law

A company manager of haulage firm M J Graves International was given a four year prison sentence after a man was killed in a crash caused by one of his drivers.

Martin Graves was convicted of manslaughter because he failed to prevent his drivers from working excessive hours.

The driver involved in the accident had worked for around 20 continuous hours prior to the crash.

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