

CORPORATE MANSLAUGHTER AND DRIVING

FACTS

- Driving is the most dangerous work activity that most people do. Research indicates that approx 20 people are killed and 220 seriously injured each week in crashes, involving someone who was driving, riding or otherwise using the road for work.
- HSE Guidelines 'Driving at work' state that 'Health and Safety law applies to on the road work activities as to all work activities and the risks should be effectively managed within a Health & Safety system'
- Employers owe the same duty of care under health and safety law to staff / volunteers who drive their own vehicles for work as they do to employees who drive company owned, leased or hired vehicles.
- Employers must conduct suitable risk assessments and put into place all 'reasonably practicable' measures to ensure work related journeys are:
 - Safe
 - Staff are fit and competent to drive safely
 - The vehicles used are fit for purpose
 - The vehicles used are in a safe condition
- It is an offence under road traffic law to 'cause or permit' a person to drive a vehicle that is in a dangerous condition or without a valid licence or at least third party insurance.
- Employers need to have procedures in place to ensure that all vehicles (irrespective of who owns them) that are used for work purposes, conform to road traffic law, are safe and properly maintained and are fit for purpose. (Relatively simple when using company owned or leased vehicles. More difficult when staff / volunteers use their own vehicles)
- Health and Safety law does not apply to commuting, unless the employee is travelling from their home to a location which is not their usual place of work.
- Employers are required to consult with employees, and where applicable the health and safety representatives on health and safety in relation to driving.

CONSIDERATIONS

- **Policy statement**
It is a commitment by the organisation to promote sound health and safety driving practices.

State the benefits gained from an effective Driving Policy.

- Fewer days lost due to injury
- Reduce the risk of work related ill-health
- Reduce stress and increase morale

- Less need for investigation and paperwork
- Less lost time due to re-scheduling
- Fewer vehicles off the road for repairs
- Reduce running costs due to better driving standards
- Less chance of key staff and volunteers being banned from driving e.g. endorsements.

- **Responsibility**

Is there top level commitment to work related road safety in the organisation and is it clearly defined? Does the person who is responsible for it have sufficient authority to exert influence and does everyone understand what is expected of them? ie. Council, Clinical Governance & Quality, Risk Management Group, Line managers etc

- **Risk Assessment**

Failure to properly manage work-related road safety is more likely to endanger other people than a failure to properly manage risk in the workplace.

The aim is to make the risk of someone being injured as low as possible.

The Risk assessment should be appropriate to the circumstances of the organisation, carried out by a competent person with the practical knowledge of the work activities.

5 steps to Risk Assessment

- Look for the hazards that may result in harm when driving on public roads.
Consider the views of those who drive extensively and those who only use the roads occasionally.
Main areas to consider are the driver, the vehicle and the journey. (See evaluating the Risks)
- Decide who may be harmed. In almost all cases this will be the driver and passengers but could also be other road users and pedestrians.
Consider particular groups that may be at risk e.g. young or inexperienced drivers, elderly drivers and those travelling long distances.
- Evaluate the risk – Are existing precautions and procedures adequate? Do you need to do more to reduce the risk? It is likely that some risks will remain even after all precautions are taken.
- Record your findings. You need to be able to show that:
 - A proper check was made
 - You consulted those who might be affected
 - You dealt with the obvious hazards
- Review the assessment and revise it if necessary. This is to ensure that the risks to those who drive are controlled.
An effective system for gathering, recording and analysing information is required.
A review will be needed in the event of changing circumstances e.g. new route or destination. Such a review should involve the drivers.
It is good practice to review assessments from time to time to ensure the risks are being controlled.

- **Evaluating the Risks**

THE DRIVER

- Competency
 - How much relevant driving experience does the driver have?

- Does the task require specific provision on the driving licence? e.g. minibus driving
 - Do you check validity of driving licence on recruitment and periodically afterwards
 - Are your drivers aware of organisations policy on road safety? Do they understand what is expected of them?
 - Is your policy supplemented with written instructions and guidance and / or training sessions or group meetings?
 - Are there specified standards of skill and expertise required for a particular job? How do you ensure the standards are met?
- Training
 - Do you evaluate to identify drivers who require additional training to carry out duties safely?
 - Is induction training provided?
 - Is a on the road assessment carried out?
 - Do you provide training to high risk drivers? E.g. High mileage drivers, poor accident records or young / elderly drivers?
 - Do drivers know how to carry out routine safety checks?
 - Do drivers know how to adjust safety equipment? E.g. seatbelts and head restraints
 - Do drivers know how to check fluid levels before starting a journey?
 - Do drivers know what actions to take in event of breakdown / accident?
 - Do you need to provide a handbook giving advice and information on road safety?
 - Are your drivers aware of the dangers of fatigue?
 - Are drivers aware of the height of the vehicle (minibus)?
 - Is money budgeted for training? Is training periodically assessed?
 - Fitness and Health
 - Are drivers reminded they need to satisfy the eyesight requirements as set out in the Highway Code?
 - Are drivers reminded not to drive while taking a course of medicine that may impair their judgement and must advise the organisation and seek guidance from their GP?
 - Do high risk drivers undergo medicals (no legal requirement)? It could be an organisation decision.

THE VEHICLE

- Suitability
 - When purchasing new or replacement vehicles do you investigate which vehicles are best for driving and public health and safety?
 - Are your organisation vehicles suitable for the job in hand?
 - Do you ensure that privately owned vehicles are correctly insured for the purpose? If the vehicle is over 3 years old does it have a valid MOT certificate? What procedures are in place to regularly check documentation?
- Condition
 - Do you have adequate maintenance arrangements in place?
 - How do you ensure maintenance and repairs are carried out to an acceptable standard? Is planned / preventative maintenance

carried out? (An MOT checks for defects only it does not guarantee the safety of the vehicle)

- Can goods and equipment carried in the vehicle be properly secured?
- Safety Equipment
 - Is it appropriate and in good working order?
 - Are seatbelts and head restraints fitted correctly and in good working order?
- Safety Critical Information
 - Do drivers know recommended tyre pressures?
 - How to adjust head restraints to compensate the effects of whiplash?
 - Do drivers know who to contact if they consider an organisation owned vehicle unsafe?
- Ergonomic Considerations
 - Do you take account of ergonomic considerations when purchasing or leasing a vehicle?
 - Do you provide guidance on good posture and how to correctly position their seat?

THE JOURNEY

- Routes
 - Could you use safer routes which are more appropriate for the type of vehicle? Minor routes are fine for cars but can present difficulties for larger vehicles.
 - Does the route planning take into account overhead restrictions e.g. bridges / canopies for larger vehicles?
- Scheduling
 - Have you taken steps to stop drivers from driving if they feel sleepy even if it upsets schedules?
 - Do you make sufficient allowances for new drivers?
- Time
 - Are schedules realistic? Do journey times take into account road type and conditions? Allow rest breaks – recommended 15 minutes for every 2 hours of driving.
 - How do you ensure that drivers are not being asked to work an exceptionally long day? Remember drivers usually start from home.
- Weather conditions
 - Can journey times and routes be re-scheduled in adverse weather conditions?
 - Are vehicles equipped to operate in poor weather conditions?
 - Are you satisfied that drivers do not feel pressured to complete journeys where weather conditions are difficult?

References & Useful Contacts:

The Highway Code www.highwaycode.co.uk

Driving at Work www.hse.gov.uk

RoSPA www.rospa.com

Driver Training
(Driving standards Agency) www.dsa.gov.uk