

DRIVER RESPONSIBILITIES

Presented By

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WHY?

- Duty of Care
- Councils Good Repute
- Legislation - Operators Licence.

WHAT A DRIVER NEEDS TO KNOW BEFORE DRIVING A VEHICLE

- Have **They** got the correct driving licence?
- Have **They** got appropriate vehicle insurance ?
- Do **They** have authorisation to drive the vehicle and is their journey authorised?
- Are **They** fit to drive (adequate rest, free from drink or drugs)?
- Do **They** know how to operate it safely?
- Do **They** know what rules to apply EU/Domestic (tachograph / log book)
- Do **They** know the gross vehicle weight?
- Do **They** know the payload limit?



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	D1E	27-08-87	09-05-39	101,119
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1. Surname
2. Other Names
3. Date and place of birth
4a. License valid from
4b. License valid to
4c. Issuing Authority
5. License number
6. Category
7. Information codes

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THE DRIVER'S RESPONSIBILITIES

A driver is responsible for a vehicle as soon as they take charge of the keys and should:-

- Carry out a safety check (including any trailer towed) to ensure the vehicle/trailer is safe and legal to take on the road.
- Ensure the vehicle/trailer is not overloaded and any load carried is secure.

AN EXTRACT FROM THE ROAD TRAFFIC ACT STATES:

“A person is guilty of an offence if he or she uses, or permits another to use a vehicle or trailer on the road when:

The condition of the vehicle or trailer, the accessories or equipment, the purpose for which it is used, the number of passengers carried, or the manner in which they are carried, is such that the use of the vehicle or trailer could put at danger, or cause injury to any person.”

This responsibility is the driver's and cannot be Transferred to the company they are driving on behalf of.

DRIVER VEHICLE CHECKS

WHY MUST THESE CHECKS BE CARRIED OUT?

- It is the Law
- **THEY** have a legal responsibility to protect themselves, passengers and any member of the public from potential injury
- Maintenance of a vehicle **STARTS** with the **DRIVER**.

WHEN SHOULD THEY CARRY OUT THESE CHECKS?

- **Before** the use of any vehicle
- Additionally, the vehicle's operating conditions may determine the frequency of these checks, such as school playgrounds where their vehicle may have been tampered with, or leaving a landfill site where their vehicle may have been damaged.



WHAT ARE THE LEGAL PENALTIES FOR USING A DEFECTIVE VEHICLE?

The driver, may:

- Be fined
- Received penalty points (their licence endorsed)
- Lose THEIR drivers licence altogether
- Even be imprisoned for serious offences



The Council may also:

- Be prosecuted
- Be held accountable at a public enquiry
- Have its Vehicle Operator's Licence reduced
- Lose its permission to operate a fleet completely



BRIDGE STRIKES

- Since 1996 the number of bridge strikes has almost doubled to exceed 2000 per year – approximately five each day.
 - 88% of these involve light or heavy goods vehicles.



BRIDGE STRIKES

- It is the **Drivers** responsibility to check the height of the cab and load (body) before starting a journey.
- Checks should then be made after each loading or unloading and the height indicator changed accordingly and be displayed clearly in the cab.

SAFE VEHICLE LOADING

VEHICLE OVERLOADING IS AN ABSOLUTE OFFENCE!

An overload WILL reduce the safe performance of the vehicle, it will affect :-

- Steering.
- Braking System efficiency.
- Vehicle Stability



It will also reduce component and vehicle life expectancy.

Overloading carries a maximum fine of £5,000 per offence and a possibility of penalty points, or even disqualification.

Overloading convictions will lead to the Traffic Commissioner taking disciplinary action against the Operator's Licence.

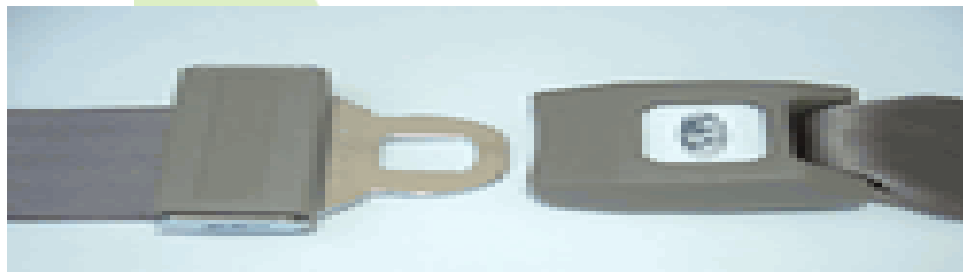
EYE SIGHT STANDARDS

- Read a number plate at 20.5m in good day light.
- If spectacles are needed to drive they must be worn.

This is a legal requirement.

SEAT BELTS

- Seat belts must be worn not just by driver but also by every passenger front and rear.
- If they were involved in an accident they could be seriously injured or even killed by a passenger who is not wearing a seat belt.



MOBILE PHONES

- From the 27th February 2007 the penalty for using a mobile phone whilst in control of a vehicle is a fine of £60 plus 3 penalty points.



- **Managers or supervisors** can also be prosecuted under the new rules for the following offence:-
“**To Cause or permit an individual to drive a vehicle where the driver does not have proper control**”.

THE DRIVER'S RESPONSIBILITIES

- The driver is the operator's representative and as such, is responsible, along with his employer, for any infringements of the law and he should therefore have a working knowledge of the appropriate regulations.
- Whatever the standard laid down by vehicle operators for maintenance and servicing, ultimately, it is the driver who is responsible for reporting on performances. They, more than anyone else, handles the vehicle under load, which is the only time when a true test of vehicle performance can be obtained.

THE DRIVER'S RESPONSIBILITIES

- The driver, therefore, must ensure that they report in good time to the maintenance staff any defects likely to infringe the law or affect the safety requirements. For such purposes, a vehicle defect report sheet should be supplied by the operator to his driver so that abnormalities can be recorded and dealt with as soon as possible.

THE INSPECTOR CALLS

THE INSPECTOR CALLS

- Investigation
- Documents
- Interviews
- Briefings/Actions
- Outcomes

THE INVESTIGATION

- A review of blue chip companies, raised concerns regarding 'Casual drivers' - people who take secondary employment.
- Initial investigations lead VOSA to main employers - WMDC

THE INVESTIGATION

- Driving licences - regime for inspection
- Timesheets - Duty
- Driving Log books
- Drivers pre start check docs
- Training records
- Policy documents - ECC/disciplinary
- Employment records
- Diaries
- HR instructions - secondary employment
- Pre Winter Internal training programme
- Drivers Handbook declarations
- Plus I was asked to investigate a list of 30+ names to determine if any were WMDC employees

INTERVIEWS

- Manager - Initially an informal meeting to 'test' my understanding and knowledge.(no line manager was involved)
- Employee/Driver - Interviews conducted under caution lasting approx. 2 - 3 hrs
- Finally the Manager again?

BRIEFINGS / ACTIONS

- Transport Manager/Line Manager had to be briefed throughout the process.
- Action - If its not embedded in the Service Area when they call, its too late!!

POSSIBLE OUTCOMES?

- Referral to the Traffic Commissioner for consideration
- Magistrate courts
- Revoke/suspend driving licences
- Damage to the Councils reputation
- Impact on the Operators Licence
- Financial penalties/prosecution

A MESSAGE FROM VOSA

- Self Audit
- Robust inspection regime of documents
- Clear Instructions to Teams/Drivers
- Complacency

IT COULD BE YOU!!

QUESTION TIME

As a Manager/Supervisor list any responsibilities you have in addition to those of the driver.

Can you list the processes in place within your organisation to meet your legal responsibilities.

Do you feel you have adequate procedures in place to stand up to scrutiny?

MANAGER / SUPERVISOR RESPONSIBILITIES

Presented By

Mick Berry: Fleet Enforcement and Training Manager

Dave Wilcock: Fleet Enforcement / Assessment Officer

CORPORATE MANSLAUGHTER ACT

The Offence

An organisation to which this section applies is guilty of the offence of corporate manslaughter if the way in which any of the organisation's activities are managed or organised by its senior managers –

- a) causes a person's death; and
- b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.

PENALTIES

- Unlimited fine
- Remedial Orders
- Publicity Order

Which is worse?



WHAT CAN WE DO TO REDUCE THE RISK?

1. Identify areas of weakness.
2. Director Level – H&S issues, (sufficient time & funds allocated)?
3. Review senior managers responsibilities
4. Documentation
5. Risk Assessments
6. Culture

MANAGING OCCUPATIONAL ROAD RISK

THE MANAGEMENT OF ROAD RISK

*Lets get the job done but
Safely*

*But when it goes
wrong!!!!*



WHAT CAN WE EXPECT?

- Interviews under caution.
- Arrest of individuals.
- Search and seizure of vehicles.
- Search of premises – incl. home addresses.
- Examination of records.
- Examination of computer files.

INTERVIEWS

- These are serious events and the Police will adopt an approach that reflects this.
- As such, be prepared for what amounts to a murder investigation style interview, using tactical interviewing techniques.

VIEW THE TASK DIFFERENTLY

We normally think

- The aim of the task is that we have to move goods & people around the Wakefield district.
- Safety standards are an obstacle we have to overcome in achieving this aim.

We should be thinking

- The aim of the task is that we have to keep 4000+ drivers and all third parties alive and healthy.
- The need to move the goods and people are an obstacle we have to overcome in achieving this aim.

ONGOING CHALLENGES

Digital Tachograph

- Awareness, Training & Implementing IT Systems.

Changes in Drivers Hours Legislation

- Update Wakefield's Drivers' Hour's Guidance Manual.

Driver Assessment

- Extend to Essential & Casual Car Users.

CURRENT CONCERNS

- **Attitude.**
 - Driver (Plumber, Electrician, Teacher, Council Officers etc.)
- **The Drivers Responsibility.**
 - Vehicle Safety Checks & Records
- **Road Safety**
 - Use of Mobile Phones.
 - Drivers that Speed.
 - Risk of Serious Injury (or Worse)
 - Drivers that Overload.
 - Use of seatbelts



RESPONSIBILITIES

Vehicle “Operators” Licence

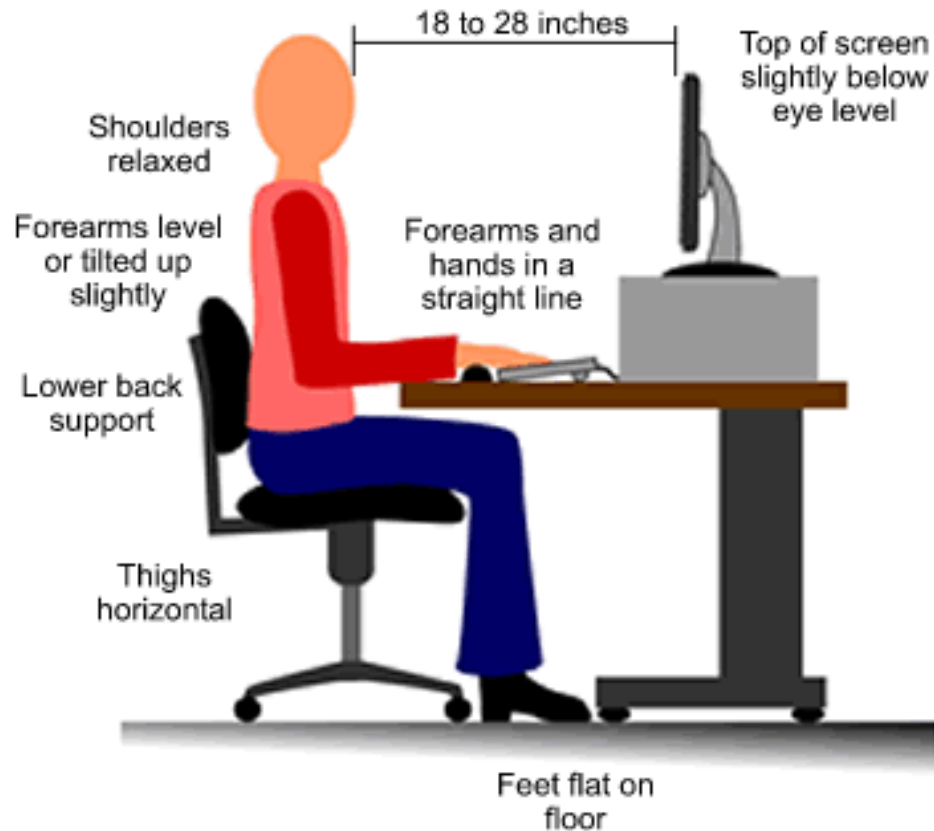
- All Offences have to be notified to the Traffic Commissioner
- The Licence permits the continued delivery of statutory services
- “Good Repute” of the Council and its officers.



ATTITUDE

Office Ergonomics

- ✓ Seating
- ✓ Foot rest
- ✓ Lighting
- ✓ Arm Rests
- ✓ Heating
- ✓ Lumbar support
- ✓ Eyesight tests



ATTITUDE

Personal Protective Equipment (PPE)

- ✓ Helmet
- ✓ Face Guard
- ✓ Ear Protection
- ✓ Hi-Viz Jacket
- ✓ Gloves
- ✓ Machine Guard
- ✓ Safety Boots



ATTITUDE



*A Seatbelt is a Vital Piece of
Personal Protective Equipment (PPE)*

ATTITUDE

*Even he has the
Sense to
Wear a Seatbelt!*





DRIVER RESPONSIBILITIES

Any Questions?