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Best practice in fleet management
Issue 06
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In this Fleet Matters:

COMPLIANCE -
BEING SURE OF BEING LEGAL

- Appreciate the risks
 - Understand the requirements
 - Recognise the benefits
 - What help is available?
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Appreciate the risks

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Managing vehicles means complying with a growing host of legislation, but most of it exists for the best of reasons. Compliance with legal requirements should be seen as the absolute minimum to protect the organisation, its personnel and the public. Whenever a vehicle takes to the road, there are very real risks.

In almost every case, driving on company business is the most dangerous activity an employer ever asks an employee to undertake on its behalf.

- One third of all UK road deaths occur during ‘at work’ journeys.
- The risk is more than four times greater in the UK than in many Eastern European countries.
- The risk is more than ten times higher in the UK than in many developing countries.

Anyone driving 25,000 miles or more annually has a 1 in 8,000 chance of being killed at work:

- A business driver is more likely than an agricultural worker to die while working.
- A business driver is just as likely as a miner to die while working.
- Around 20 deaths per week occur during work journeys.

Any incident during a business journey, if it results in damage, injury or death, could render the employer liable to prosecution. Unlike most court cases, where a prosecutor has to show beyond reasonable doubt that a defendant has committed an act, the onus could be on the organisation to prove that it has not been negligent.

- An avoidable catastrophic brake failure, causing a driver’s death, led to the **December 2015 conviction** of his employer. The company was fined £700,000, plus £200,000 prosecution costs, plus having its own legal costs, under the **Corporate Manslaughter and Homicide Act (2007)**.

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Appreciate the risks

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Action point: Consider every possible problem that could occur while your vehicles are in use, with the possible consequences of each one. Take steps, including seeking any necessary professional advice, to ensure a full understanding of the organisation's breadth and scope of risk exposure. Ensure that risk assessment covers anyone who drives on behalf of the business, not just those where driving is a key part of the job description.

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Understand the requirements

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There is a daunting spectrum of legislation and statutory instruments covering those who drive for business and their employers. Most of these fall under the Health & Safety Executive or local authorities. Just the most obvious short list of these would include:

- **Health & Safety at Work etc. Act 1974**
- **The Management of Health and Safety at Work Regulations 1999**
- **Road Traffic Act 1991**

There are many, many more that may apply, depending upon circumstances. If a business vehicle is used by more than one person, for example, the company must enforce the Smoking At Work Act 2007 or risk a £2,500 fine. Keeping track of everything, and ensuring compliance, is challenging.

There are good and bad approaches to compliance. The very worst, barring non-compliance, would be for a manager to start from scratch and research everything personally. It is not necessary. The government, and such organisations as the charity Brake, have already done most of this, producing a range of straightforward guides. You could take these as a starting point, including:

- **Driving at work: managing work-related road safety**
- **Managing road risk for SMEs resource pack**

For absolute confidence in compliance, there is a strong case for consulting specialists who focus entirely on this area. You should expect searching questions and be ready to give full, honest answers. Just as ignorance of the law is never an acceptable defence in court, it is equally futile to have a policy that can be shown to be based upon incomplete input.

Action point: Establish a comprehensive catalogue of all relevant legislation, instruments and standards relevant to your drivers and their vehicles. Remember to include 'grey fleet' assets, for which you are equally liable. Match all of your policies, processes, procedures, personnel and assets against these. Identify all current and likely gaps. Analyse and compare potential remedies and implement the most appropriate.

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Recognise the benefits

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Compliance with legal requirements governing business driving begins as a duty, but brings both direct and indirect advantages to the organisation. These range from immediate protection for the business through continuing bottom-line payback to less tangible corporate benefits.

Protection through compliance brings:

- reduced risk of on-road incidents
- minimised risk of prosecution for the organisation
- a comprehensive safety audit trail, providing evidence of proactivity

Financial benefits include:

- reduced direct and indirect costs resulting from fewer incidents
- continuing improvements through ongoing monitoring and reporting
- recommendations for potential cost savings
- reductions in lost working time and associated absences

Corporate gains range from better public image to strengthened stakeholder relationships:

- minimised brand reputation and environmental risks
- external image improvement through demonstrating best practice
- internal morale improvements through evidence that personnel wellbeing matters
- greater meeting of customer, staff and supplier expectations
- reducing risk of negative interaction with public and employees

Action point: Create an overall compliance policy, organisation-wide, with clear ownership and from-the-top commitment. Implement the policy and monitor continuously, with full communications and an education programme to ensure driver buy-in. Review and enhance the policy and processes regularly and frequently.

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What help is available?

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Fuel Card Services has many years' experience in helping with cost-effective fleet management, gaining an invaluable depth and breadth of expertise. Its help is readily available to fleet managers through a widening range of specialist services and products. This includes its exclusive partnership with **Applied Driving Techniques** (ADT), the award-winning fleet compliance and risk management specialists.

As part of its CompleteCare service, Fuel Card Services can offer any fleet a free **Compliance Health Check**, through ADT. This will show how well a fleet complies with health and safety, duty of care and other relevant legal requirements. It also recommends any necessary remedial actions, offering major cost savings, fewer road collisions and protected corporate reputation. Countless vehicles and drivers are already safer as a consequence of ADT compliance auditing.

CompleteCare is offered within the Fuel Card Services fleet management portfolio, alongside its renowned cost-reducing refuelling. Many thousands of fleets nationwide, of all sizes and types, already refuel using its commercial fuel cards. The immediate cost benefits include fixed weekly pricing, for typical savings of up to 4p per litre on national average pump prices, up to 10p per litre on motorway refuelling. Additional major savings are achieved through virtually eliminated paperwork, minimised administrative workload and fast, trouble-free delivery of custom management information.

Other services include **emissions recording**, **mileage capture** solutions and automation of **fleet management** tasks, from service scheduling to licence checking. There is also access to exclusive deals in such areas as tyres, insurance and more.

Action point: Contact Fuel Card Services and request your free Compliance Health Check. At the same time, ask for an illustration of how much money and time you could save, with solutions that exactly meet your specific refuelling and fleet management requirements.

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