

# The guide to sleeping soundly

How many managers or directors would sleep soundly in their beds if they really knew how close they come on a daily basis to hearing the words from reception that the POLICE have just arrived at the door and are looking to speak to the person in charge of the fleet of vehicles. Most employers do not know all the intricacies of the relevant legislation affecting vehicles, and why should they, because that is why lawyers exist and profit. It is however very worrying that too many people do not have the knowledge to avoid the basic issues that could arise.

Let us be very clear about a couple of issues.

1. Drivers are required to be in control of their vehicle whilst on the highway (Road Traffic Act).
2. Owner/Operators of vehicles are required to maintain them in a fit and roadworthy condition (LOLER).
3. Everybody is looking to blame someone else (HUMAN NATURE).

Based on the above, there are lots of potential ways to prosecute drivers and/or owners/operators, but arming yourself with a 'Get Out of Jail' card is not a complex or difficult as everyone seems to think or claim.

It is now a common practice in the fleet industry to have a clear policy covering the use of vehicles on business; therefore most courts will expect you to have something in place to give clear guidance to your staff when travelling on business. It does not have to be complex or longwinded but it will need to cover a number of basics, but I would urge you to speak to someone who has legal knowledge if you are in any doubts about what you are doing, because if you are wrong it could be you carrying the can. If you are speaking to a professional, I would suggest you check that they have professional indemnity insurance for the advice they are giving you.

Once you have a policy covering issues relating to vehicle use, you must enforce them. This is a good reason not to overcomplicate the policy documents. An example of this would be drivers exceeding the speed limits. Your policy must at some point state that all road rules must be obeyed at all times and exceeding the speed limit is an endorsable offence. You must therefore include breaches of this policy in your disciplinary process; this may seem a little heavy handed initially but if you consider the ramifications of not acting on an endorsed driving licence are quite serious.

Consider you have a driver who has received three notice of intended prosecution and his licence shows 9 penalty points as a result of these offences. You have not acted upon this information despite a policy stating that drivers must obey all current road regulations. This same driver then runs down a pedestrian at a speed in excess of the speed limit on his way to a business meeting. The Police visit you, caution you and lay out their reason for attending your office and you proudly show them your MORR policy. Then they ask you whether you enforce this policy. At this point you begin to get nervous, but say yes. They then demand to see the personnel file for the driver and enquire as to the location of the disciplinary process dealing with the drivers' obvious breaches of the policy. It is now evident you have a worthless policy and you

are possibly open to all sorts of issues as you have identified a risk, reacted to that risk and then promptly ignored it.

You should also have a clear process to deal with collisions of escalating severity; this is because you need to have a defined action plan to handle the repercussions of a serious/fatal accident. These are thankfully few and far between for most fleets but as 10 people per day die in road collisions, there is a chance it could be you and if you have a plan it can all flow to the conclusion. Also if you understand what is causing your vehicles to collide you can develop ways of reducing those collisions. Investigating collisions can be complicated, but there are people out in the marketplace to help you with that process.

Do not try to do it all on your own, you will find it a lot easier if you have senior management buy in at an early stage, if you need advice speak to people at your local ACFO meetings as someone there will be pleased to share their experiences with you.

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