

## Your Duty of Care responsibilities

Even if you have a small number of business vehicles and / or drivers you are still need to adhere to your legal duty of care responsibilities. These notes will help you understand these so you can ensure you will be covered at all times.

If you wish to receive further advice from us please e-mail [telebusinessstrategyteam@arval.co.uk](mailto:telebusinessstrategyteam@arval.co.uk) and we will be happy to help. *(Even if you have a small number of vehicles and drivers we will refer to this as a fleet throughout these notes).*

**What is Duty of Care and why is managing road risk so important for business fleets?**

### The facts

- Every week in the UK over 20 people are killed and 250 seriously injured in "at-work" road traffic accidents (RoSPA). According to the government, "for the majority of people, the most dangerous thing they do while at work is drive on the public highway" (HSE)

### Legal responsibilities

- Under The Health and Safety at Work Act 1974, employers are instructed of their "duty to ensure so far as is reasonably practicable the health, safety and welfare at work of all employees"
- Employer duty of care is reinforced by the corporate manslaughter offence under which companies can be prosecuted for deaths to drivers and other road users caused as a result of a work related journeys where negligence is proven

### Corporate Social Responsibility (CSR)

- Road accidents result in awful human losses for families, friends and colleagues of drivers, passengers and other road users and have a negative impact on the wider community
- Accidents, congestion and poor driving exacerbate the environmental impact of running fleets

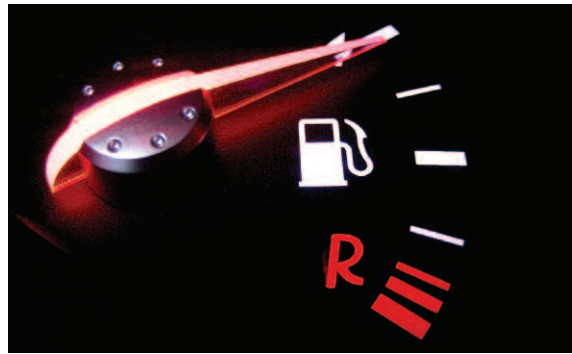
### Financial benefits

Better driving should lead to:

- Fewer accidents, with reduced repair costs and/or insurance premiums

- Lower fuel consumption
- Reduced maintenance costs, especially tyres and brakes
- Improved vehicle condition and performance at sale and/or reduced damage recharges
- Less vehicle rental expenditure

Typically fleets can expect a 15-20% reduction in fleet costs in the first year following the implementation of a risk management program.



### Business advantages

Fewer accidents mean:

- Fewer lost business opportunities, deliveries, loads, customer complaints, etc.
- Less usage of temporary contract staff or overtime to cover staff absences
- Reduced risk of prosecution
- Less time spent on non-revenue generating activity e.g. accident related admin, investigation, etc
- Improved staff morale
- All of which also carry, albeit possibly less tangible, financial benefits
- Improved environmental and CSR record
- Potentially positive (and perhaps more importantly avoidance of negative) PR

**What steps do I need to take to ensure my fleet's road safety?**

#### 1. Policy

- Written policy, communicated to all staff who must sign acceptance and understanding

- Involve staff and safety representatives in policy setting
- Reiterate policy at recruitment, appraisals, training, new vehicle delivery and through regular communications

## 2. Responsibility

- A senior director, able to exert influence, should be appointed as person responsible for fleet
- Line managers should lead by example and ensure compliance with policy
- All individuals should understand what is expected of them by the organisation

## 3. Organisation

- Ensure cross company co-operation to deliver safety plans
- Raise awareness through making information available or perhaps running seminars
- Make it clear to staff that the organisation will co-operate with police enquiries resulting from a crash

## 4. Systems

- Implement ways of working that complement and do not contradict road safety aims
- Promote journey planning as a means of reducing risk of poor driving
- Consider driver training, especially as a remedial measure to improve drivers with poor records
- Record and investigate any at work crashes
- Notify the company insurer of all incidents
- Encourage good driving

## 5. Monitor

- Review Drivers' licences and fitness to drive at least annually
- Appoint a competent person with knowledge of the business to carry out risk assessment
- Collate data, set targets and measure performance
- Get feedback from drivers and staff representatives

### What should the policy include?

Key things to cover in policy and manage ongoing include:

- The Drivers' state of Health
- Vehicle Safety e.g regular maintenance
- Driver Fatigue and Journey Planning e.g breaks for drivers every 2 hours
- Driver Training – high risk drivers may warrant training
- Speeding
- Mobile Phone usage while driving
- Drink & Drugs
- Smoking
- Additional Drivers
- Monitoring Fleet Safety

It is worth noting that all of the above applies equally to a cash or ECO fleet, except for the need to manage additional drivers.

Moreover, companies offering cash allowances or allowing employees to undertake business travel in their own vehicles should additionally:

### 1. Impose Vehicle Standards

Private cars being used for business purposes should:

- Have an agreed minimum NCAP safety rating, e.g. 4 stars
- Have seat belts and head restraints for every person
- Have a driver airbag and where possible a passenger one too
- Have ABS
- Not have bull bars fitted



### 2. Agree Minimum Conditions of Use

Private cars being used for business purposes should:

- Be properly taxed, serviced according to the manufacturer's recommendations, have a valid MOT and valid insurance for business use
- Not carry loads for which the vehicle is unsuited, including hazardous materials
- Not be used in conditions for which it is not designed (e.g. off-road)
- Be subject to a clear rule that any vehicle that is deemed or suspected to be in an unsafe or illegal condition will not be used for work purposes until all necessary repairs have been completed

### 3. Monitor Ongoing Compliance

In addition to ensuring general understanding and signed acceptance of the road safety policy, the following is recommended:

- Periodic spot checks of key documentation including business use insurance documents, driving licenses, MOT certificates, VED discs and even service schedule records
- Fleet checks of vehicles in the company car park by an external supplier

- Recording and investigation of accidents that occur on a work related journey

#### 4. Consider Alternatives

There are potentially cost and environmental benefits to looking at alternatives to a car journey as well as reduced risk. These include:

- Use of video or telephone conferencing for shorter meetings
- Alternative transportation methods such as taxi, train or plane
- Restrict length of journey in a private car e.g. for shorter round trips of 50-100 miles and thereafter use rental vehicles
- Include health and safety risk as a key factor when next reviewing company car and business mobility strategy