



# ARCH RISK MANAGEMENT

## Arch Fleet Management: Know The Law

### **Summary: Driving for work is recognised as a significant safety risk across UK industry.**

Health and safety law applies to work-related driving in the same way as it does to all work activities. If you are a fleet manager or company director, you are responsible for managing risks to drivers as part of your overall health and safety arrangements.

### **Guidance:**

The Management of Health and Safety at Work Regulations 1999 require every employer to carry out an assessment of the risks to the health and safety of their employees whilst they are at work, and to other people who may be affected by their work activities.

Employers should therefore consider risks associated with occupational driving and how driving activities may impact other road users, in the same way as risks within a fixed workplace.

Some industry research suggests that a proportion of fleet decision-makers may not have a formal company vehicle policy in place. While having a written policy is not explicitly a legal requirement, employers are expected to have appropriate arrangements in place to manage risks. For employees who drive for work, this may typically include licence checks, driver training, vehicle maintenance, and periodic review of policies and procedures.

Effective management extends beyond having policies in place. These should be clearly communicated to relevant staff, with appropriate records maintained for drivers and vehicles.

There is also a clear business case for managing driving for work. Reducing road-related incidents may help to:

- Less days lost to injury
- Fewer missed orders
- Fewer repairs to vehicles
- Reduced running cost

### **Driving for Work - what does it involve?**

Changes in the economy, including growth in van usage and the gig economy, have contributed to increased occupational road risk. These developments may require employers to review how driving risks are managed.

While vans are widely used, they are not always subject to the same regulatory controls as HGVs or buses (for example, in relation to driver hours and operator licensing). However, they still represent a significant proportion of road use.

The Health and Safety Executive (HSE) provides guidance to support employers, managers and supervisors responsible for managing work-related driving. This applies to all work-related driving, not only where driving is the primary job role.

(Organisations operating large goods vehicles (LGVs) or passenger service vehicles (PSVs) may also be subject to additional, specific legal requirements.)

### **Driving for Work Risk Assessment:**

As with any work activity, risk assessment is a key starting point. Employers should identify hazards, assess who may be harmed, and implement proportionate control measures.

#### **This may include consideration of:**

- On-site traffic routes and vehicle movements
- Loading, unloading and other site-specific activities
- Separation of vehicles and pedestrians

Consider what must be done to ensure that vehicles are safe and suitable for the work for which they are being used – and that drivers are capable of performing their work activities safely and responsibly. This includes ensuring drivers have been appropriately trained for those vehicles, for example, when transitioning to electric vehicles.

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Consulting employees as part of the risk assessment process can help identify practical improvements. Ask questions such as "Are the management and supervision checks of our workplace transport safety, adequate?" "What else should we be doing?"

Your "driving for work" risk assessment should be completed to incorporate all staff and be reviewed periodically to ensure that they remain relevant.

### Hazards of driving vehicles for work

A "Driving for Work" policy should outline how risks are managed, including both general and role-specific hazards.

#### Typical hazards may include:

- Adverse weather or road conditions
- Driver fatigue or excessive working hours
- Distraction (e.g. mobile phone use)
- Poor vehicle condition
- Unsafe loading
- Lack of familiarity with the vehicle or route
- Breakdown risks

Risks may increase with longer driving durations or poor work scheduling. Your policy should pay particular attention to driving vehicles for extended periods and over long distances, and applies equally to delivery vehicle and company car drivers.

### Requirements for Drivers

Many incidents happen due to inattention and distraction as well as failure to observe the Highway Code. Employers should consider appropriate measures to support safe driving. These may include ensuring that:

- Vehicles used for work are suitable and maintained
- Drivers hold a valid licence
- Appropriate insurance is in place (including business use where required)
- Drivers are fit to drive
- Work schedules allow adequate rest
- Drivers understand legal requirements (e.g. mobile phone use)

### Grey Fleet Drivers

Grey fleet drivers use their own vehicles for work purposes. Employers still have a duty to manage associated risks.

#### This may include checking that vehicles:

- Are roadworthy and, where applicable, have a valid MOT
- Are driven by appropriately licensed individuals
- Are insured for business use

Organisations should have suitable arrangements in place to manage these risks.

### Off-road Driving

Where vehicles are used off-road for work purposes, the Provision and Use of Work Equipment Regulations 1998 (PUWER) may apply in certain circumstances.

Employers should ensure that vehicles are suitable for their intended use and operated safely.

(Privately owned vehicles are generally excluded from PUWER. Road traffic law applies when vehicles are used on public roads.)

### Emergency Planning

During the course of driving on company business, emergency situations can arise. As an employer you should ensure that you have put in place suitable arrangements to manage the health and safety of your driver and others affected in the event of an emergency situation arising on the road. Based on an assessment of the occupational road risks associated with specific driving activities, it may be appropriate to carry certain "safety kit" items in the vehicle in case of emergency. Examples of such items include:

- First aid kit ("use by" dates should be checked regularly)
- Warning triangle
- Torch (and batteries)
- Ice scraper

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- High visibility waistcoat

If a driver is involved in a road traffic accident or injured whilst driving on company business, the incident should be reported to the police. Accidents should also be reported via the employer's accident reporting system. Drivers should be encouraged to report near misses for incidents which occur whilst driving on company business.

It is also advisable to ensure employees have access to a vehicle breakdown/recovery service.

- Mobile phone

### A brief summary of what Employers need to consider

- Ensure your drivers have the correct documentation when driving i.e. driving licence, MOT and insurance. You should ask to see evidence of these documents on an annual basis and keep record of these checks
- Ensure any vehicle/s you own are serviced and the driver carries out regular checks on lights, water, oil and tyre conditions/ pressure
- Ensure drivers have adequate time to do their journey and they do not become fatigued
- Consider using public transport for longer journeys
- Ensure drivers are mindful of adverse weather conditions
- Ensure any mobile phone calls are hands free, essential calls only and taken only when road conditions are safe to do so.

### Understanding the Law applicable to Driving for Work:

To check that your knowledge of the driving regulations is up-to-date click on the appropriate links below:

#### [Load Securing: vehicle operator guidance \(May 2022\)](#)

Aimed at operators, consignors and drivers this provides specific guidance on effective load securing to prevent goods from falling onto roads causing danger to other road users. This also saves money by ensuring that goods arrive at their destination undamaged.

#### [Drivers' Hours](#)

If you drive a goods vehicle or a passenger-carrying vehicle in the UK you must follow the rules on how many hours you can drive and the breaks that you need to take. Even though the UK has left the EU, you may still need to follow EU rules on drivers' hours and tachographs. The EU rules apply if the maximum weight of your vehicle or vehicle combination is more than 3.5 tonnes and you're driving in the UK or to, from or through, an EU country.

#### [Highway Code](#)

The Highway Code applies to England, Scotland and Wales. It is essential reading for everyone and applies to pedestrians as much as to drivers and riders.

#### [Traffic Signs](#)

As advised in the Highway Code

#### [Penalty Points, Fines and Driving Bans](#)

Details of penalties and fines, speeding, drink-driving, parking fines, appeals

#### [Fleet Operator Recognition Scheme \(FORS\) New Standard](#)

The FORS Standard defines the requirements that operators must meet in order to attain and maintain FORS accreditation.

#### [Think!](#)

Recognised internationally for its iconic and ground-breaking campaigns that have challenged dangerous behaviours on Britain's roads.

#### [Construction Logistics and Community Safety \(CLOCS\)](#)

Clients, contractors and vehicle operators working together to minimise risk to vulnerable road users.)

For further information see:

- [HSE's Workplace transport safety - a brief guide](#)
- [HSE's A guide to workplace transport safety](#)