

# Drive to safety

How important is the driver of a fleet vehicle to upholding the necessarily high levels of maintenance?

James Backhouse, from solicitor Backhouse Jones, reckons more than some might think

Anybody working in road transport, whether PCV or LGV, knows there are very serious obligations on an operator to ensure that their vehicles are maintained in a fit and serviceable condition. Some, however, may not be so aware that there is also an obligation to keep maintenance records for a minimum of 15 months.

But where does an operator start when it comes to good maintenance? The current inspection period is between four and six weeks, but some operators are looking to decrease this frequency. Engineering developments mean manufacturers are, in some cases, able to confirm that vehicles are designed to operate for longer periods without detailed inspection. This stance has led to talks of extending the maintenance period to as long as 13 weeks. But such periods of inspection for hardworking vehicles highlight the importance of the driver's role in examining the vehicle between formal inspections.

His or her examination comes in the form of the daily walk round check. Some operators arrange for another skilled individual to conduct a daily check of the fleet, but the norm in the road transport industry is for the driver to carry out this work. All drivers are aware that this obligation exists, but not all are aware of the need for a consistent approach to examining the vehicle for the types of defects they are expected to prevent.

## Cost of non-compliance

Failure to maintain vehicles has two consequences. There are many examples of cases where poorly maintained vehicles have resulted in fatal accidents, which have, in turn, led to those responsible going to prison. A far more common impact of failure to meet the maintenance obligations, though, is for the operator to have its O-licence called into question at public inquiry. It is common at these inquiries for a traffic commissioner to revoke the licence and 95% of those cases that Backhouse Jones is involved with include some aspect of maintenance.

Beyond failings with the driver, there are many other reasons why operators are called to a public

inquiry that involve maintenance failings. These include inadequate numbers of trained fitters, fitters themselves who need updated training, sub-contractors who similarly fail or operators that simply don't abide by the basic maintenance arrangements and requirements.

To give one example, the author represented a large bus operator that had some of the best maintenance procedures, particularly in relation to driver defect reporting systems. It used systems for monitoring and auditing the drivers, such as CCTV, additional training and a rigid disciplinary system. Yet, with such a large operation and high numbers of drivers, there were times when one did not comply with his or her obligation and occasionally that led to a prohibition being issued.

This scenario led to the company being called to a public inquiry and, notwithstanding the systems and procedures in place, the traffic commissioner issued a warning to the operator about correctly maintaining its vehicles.

For the operator, that was deeply frustrating, not least because nothing more that anybody could realistically have expected it to do would have reduced the risk of driver-related defects occurring on its vehicles. This case, and others like it on a smaller scale, emphasises again just how significant the role of the driver is, in the eyes of the law, in maintaining vehicles in a roadworthy condition.

## Communication breakdowns

There are ways forward. One common weakness in organisations is a dislocation in communication between the fitting and engineering staff, and the driving and operational employees. There needs to be a strong and confident dialogue between the engineers and those responsible for managing the drivers, so that both parties understand the role of the other in securing safe vehicles on the road.

Take, for example, the issue of wheel security. It is somewhat perverse that today, when we can keep a Formula One car wheel secure with one large centrally-mounted wheel nut while it travels around a track at speeds of around 200mph, we cannot consistently secure a truck wheel with 10



wheel nuts. However, in order to reduce the risk of wheel insecurity on such a vehicle, the driver is expected to walk around that vehicle and visually check the individual wheel nuts every day.

It can well be appreciated that this is a very dull, sometimes uncomfortable and, apparently, from the driver's perspective (unless he has had a previous incident), rather pointless and repetitive procedure. Yet they are in this role performing a serious failsafe, designed to spot the early signs of a potential wheel insecurity incident. In years to come, there may be a design solution that reduces the risk. But, in the meantime, it's all down to the driver.

From the engineers' perspective, it must also be acknowledged that part of the driver's function in checking the wheel nuts is to act as a backstop for errors that may have occurred during wheel re-fitting. Again, re-fitting the wheels to a vehicle requires procedures to be followed to ensure that the wheel nuts, when torqued up, are applying the correct clamping force, so that they are unlikely to start slackening off during vehicle operations. But sometimes an engineer may fail to carry out that re-fitting procedure correctly.

Using wheel security as an example, it can be readily seen that there is an interdependence between the engineer and the driver. The driver who spots the imminent detachment of wheels, as a result of warning signs apparent on his walk round check, will not only prevent himself being the subject of a prosecution, but will likely also prevent the engineer responsible for re-fitting (assuming that is where the problem lies) being the subject of a prosecution and potential prison sentence, if there were to be a fatality.

If the driver is experienced enough, and regularly operates – and is responsible for – the same vehicle, he could be considered a very good source of information as to how the vehicle is responding. It can be very frustrating for a driver, if he reports a vibration or an issue with the vehicle to the engineering team, to then find out that no action is taken, because technicians can find no discernable defects. This type of communication between the drivers and the engineers can leave the driver with lost faith in the engineering team and, of course, leaves the engineering team not trusting the driver's judgement.

**Engineers and drivers can work together on maintenance issues in order to prevent accidents**

If a driver says his vehicle is behaving unusually in some way, then that issue has to be taken seriously. He is probably going to be in the best position to judge and the fact that the engineering team was not able to find a defect does not mean that one doesn't exist. Backhouse Jones has dealt with cases where serious defects have emerged, which could lead to accidents and/or prohibitions, and the driver has properly reported the symptoms – but the defect itself has not been discovered at the time of inspection.

### Dangerous drivers

At the other end of the operator's perspective, engineers can spot instances where a driver is, for example, tampering with the tachograph in a way



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that might affect the seals or the electrical wiring of the vehicle. Technicians are also a very useful tool in assessing whether the drivers are consistently carrying out their daily checks – by virtue of the types of defects they find at the periodic inspection. If those defects fall into a category you would expect drivers to pick up in the week leading up to the inspection, then that information must be passed up the management tree. At this point, action must be taken, either with the driver or the driver defect reporting system as a whole, to ensure that such issues do not arise in the future.

If VOSA discovers a defect on a vehicle that they believe the driver should have spotted in the walk round check, they will issue an 'S' marked prohibition. That denotes a prohibition due to a significant failure in the

maintenance systems. It will trigger a maintenance investigation, where VOSA will come and inspect the engineering side of the operation – and that includes, of course, the driver defect reporting elements – often resulting in a public inquiry for the operator.

There is no doubt that the driver defect reporting element and the ability of the engineering team to flag up failures in that part of the system are the

best ways of avoiding maintenance-related public inquiries. Given that these are the most common type of public inquiries, it may well be the best way of avoiding the traffic commissioner in a disciplinary context altogether – something that most operators would be only too happy to achieve!

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Equally, the engineering team needs to be monitoring drivers' performance and flagging to management issues that need addressing around their competence in carrying out the checks. It is not always the case that drivers are failing to do it; sometimes it is the case that they simply don't have the requisite skills, even though they may have had some training.

That said, driver's opinions of the behaviour and handling of a vehicle must also be respected by the engineering team. Problems are not always easy to find, so when drivers become aware of them, through vibration, braking or steering issues etc, it is worth considering that there must be an underlying problem with the vehicle. Also, the driver must have confidence that such issues will be taken seriously. Equally, if the driver reports issues to the maintenance staff that affect his comfort and enjoyment while undertaking his job, then, even though such issues may not be road safety related, a certain priority should nonetheless be given to solving those problems. It is human nature that, if they believe the reporting of defects and issues is taken seriously, then they will be encouraged to treat the whole system with greater respect and, in turn, will have a greater respect for the maintenance team.

It is always worth the engineering team not forgetting the point that the driver is often the backstop against errors being allowed to go unnoticed. We are all human, after all, and in acting in that capacity, and expecting and being aware of the general condition of the vehicle, the driver can prevent serious consequences for individuals and the organisation as a whole. If a driver is observant and has the confidence in knowing what he is doing, he will gain the respect of the business as a whole and specifically the engineering team.

There should be no division in any organisation, in terms of responsibility and communication between the drivers and the engineers. However, unfortunately such a division is common and invariably leads to overall lower engineering output and increased probability of accidents or incidents, and public inquiries for maintenance failures. 