

FAILING to

Want to boost your OCRS score? Solicitor Scott Bell, from Backhouse Jones, looks at the legal implications of compliance and advises on how improvements can be made

The OCRS (Operator Compliance Risk Score) has been a long-established tool used by the VOSA (Vehicle Operators Services Agency) in targeting operators that demonstrate a greater than average degree of non-compliance. In our experience, operators frequently complain to VOSA that they are being targeted or harassed when OCRS is mentioned. However, when they do so, these companies often have no idea what the score is or, in some cases, what the OCRS score even means.

In simple terms, OCRS is a points-based scoring system that analyses the risk of non-compliance by a particular commercial vehicle operator, in comparison to other operators. Operators' vehicles shown by the score to be more probably non-compliant are far more likely to be stopped by those doing the checks.

The scores themselves are calculated, based on two categories: roadworthiness and traffic enforcement. In the main, roadworthiness is concerned with vehicle condition and the maintenance aspects. Meanwhile, traffic enforcement looks at tachograph infringements, vehicle overloads and licence checks.

The OCRS system uses both predictive, as well as historic, data from such sources as roadside checks, fleet checks, prosecution history and graduated fixed penalties. In terms of graduated fixed penalties and prosecution history, the larger the fines, the higher the score allocated against you.

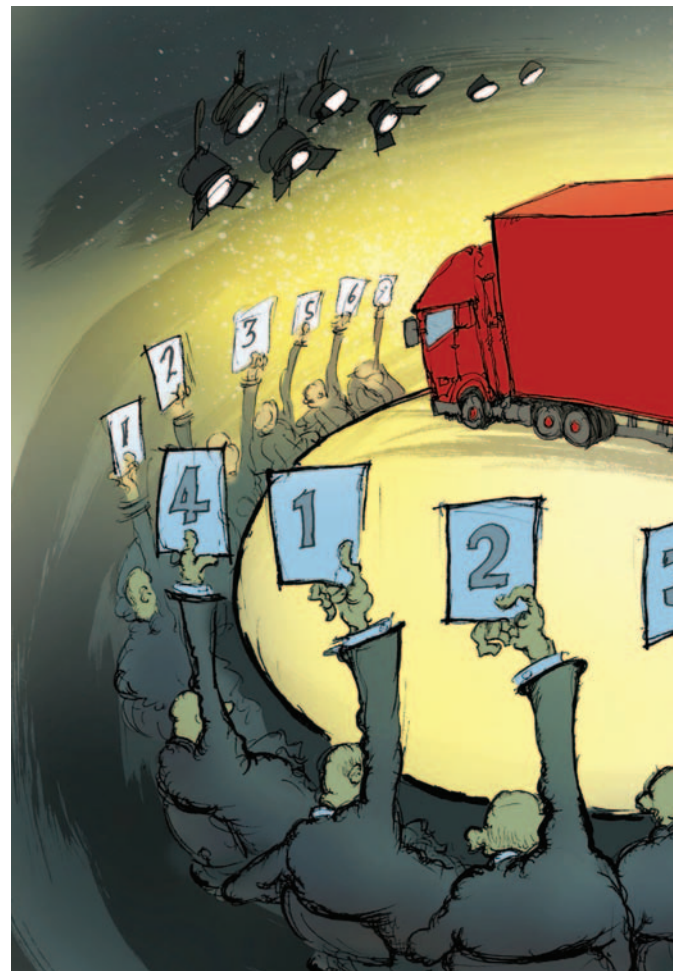
Change here for new OCRS

In 2010, VOSA instigated alterations to the OCRS system and the bandings into which operators are placed. Operators who were previously in 'Amber 8' for roadworthiness and traffic enforcement will now be placed into the 'Red' band. Under traffic enforcement, those who were previously in 'Amber 1, 2 or 3' are now placed in the 'Green' banding. However, even though the colour of the banding may have changed, its index score has not, and those at the bottom end remain at the bottom end of the relevant banding.

That said, these subtle changes have placed

around 6,000 extra operators into the red banding for roadworthiness, and around 9,000 organisations will now be placed into the red band for traffic enforcement. VOSA's rationale is that the changes give its enforcement officers far greater ability to target those non-compliant operators who may previously have avoided their gaze and also that it raises the bar of compliance generally across the whole of the commercial vehicle sector.

If an operator is in the green banding, it is highly unlikely to be stopped at the roadside. However, VOSA still uses a technique called sifting, which



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entails a cursory glance at a vehicle before stopping it and conducting a full check. Sifts do not count towards your OCRS score. However, if a VOSA official does stop you, your full check will be considered towards the OCRS score.

If an operator is in the red or high amber banding, it is highly likely to be stopped by the enforcement agency. Clearly, unless there is a change in the attitude of that operator to its obligations under the operator's licence, it is likely to continue being stopped.

Then, once enough prohibitions have been issued, the operator will find itself before the traffic commissioner at a public inquiry.

The easiest way to make improvements to your OCRS score is for your drivers to conduct proper

daily walk-around checks. These inspections should be audited by conducting gate house checks and all drivers should be fully trained in how to spot a defect. Then, if a defect is spotted, a decision must be taken as to whether it is serviceable or if it must be repaired immediately.

Furthermore, all vehicles that are submitted for MOT should pass first time. In our opinion, the first-time pass rates in this country are too low, as the MOT test is only the minimum standard for any vehicle to be allowed on the road. If you outsource your maintenance, any MOT failures should be investigated fully with your maintenance provider and excuses should not be accepted. Ensure that you document your full investigation and retain the report in the vehicle file.

If your maintenance is in-house, each MOT failure must also be investigated fully. Again, individual failures should be reviewed to see whether it is human error – which comes down to a training issue – or whether disciplinary action needs to be taken against an individual. Once more, document all investigations in the vehicle file.

Finally, the introduction of graduated fixed penalties (GFP) will also now affect the OCRS system in a way that is often outside the operator's control. A GFP is issued against the driver of the vehicle and, as such, the operator does not have the authority to fight it without the express permission of the driver. We encourage operators in all cases to review the GFP with the driver before it is conceded. Acceptance of a GFP will go against the operator on its OCRS score.

If an operator feels the GFP is worth fighting, it is in its interest to convince the driver to do so, usually by offering to pay legal fees. A commercial decision to accept a GFP, because the cost of fighting the GFP is too great, should be taken with extreme caution.

All operators need to start looking at their OCRS scores and obtain regular printouts of their encounter history from VOSA. Your encounter history is available by e-mailing datapcare@vosa.gov.uk and citing your operator licence number. We suggest that the OCRS score should be included as an agenda item at board meetings or within senior management meetings.

Calvin Coolidge, the 30th president of the United States, once said: "I sometimes wish that people would put a little more emphasis upon the observance of the law than they do upon its enforcement."

It is our guidance that, instead of complaining about the OCRS system and the targeting of your vehicles, if you are unfortunate enough to be in that position, you should take a close look at yourself. Check that your maintenance systems are up to scratch before VOSA, or even the traffic commissioner, does. **TE**

