

# Is your card

VOSA's OCRS (operator compliance risk score) regime is about to see significant change. Andrew Woolfall explains the likely impact on operators of commercial vehicles – and the importance of certain evasive actions

Whether or not you are familiar with the workings of VOSA's OCRS (operator compliance risk score) – the agency's risk-based primary enforcement tool, introduced in 2006 – operators need to know that changes due to take effect later this year may have a profound impact upon them.

Although apparently modest, these changes are likely to force licence holders to rethink their attitudes to everything from first-time MOT pass rates to drivers' hours and even their readiness to challenge prohibition notices and assessments.

To recap, the existing system is used to determine how likely each operator is to be compliant, in terms of having safe vehicles on the road, but also meeting requirements of road transport legislation. All operators are given two scores – one to reflect vehicle condition (maintenance) and the other, traffic legislation (for example, driver's hours, tachographs, overloading etc).

## Red, amber, green

Currently, for each score, every operator is placed into one of three colour bands (red, amber or green) and given a rating between zero and 10. Those operators with a higher score are placed in the red category. Operators at the other end of the scale are given a green rating. Those in the middle are awarded amber. The score is calculated by referring to operators' 'encounters' with VOSA.

Whenever a vehicle is submitted for annual test



or checked at the roadside, if VOSA finds anything wrong the operator is allocated notional points against its licence. Every month, the number of points and encounters over the past two years are reviewed, and the operator's score compared to similar businesses in that area. The operator is then ranked against other companies and awarded an appropriate number and colour.

The resulting OCRS is then used to determine which vehicles VOSA stops at the roadside and which operators are visited for fleet inspections. 'Red' trucks are stopped as a priority, while 'green' vehicles are not checked. 'Amber' operators' trucks are only pulled over, if no red vehicles are around. And the final sanction: where VOSA finds consistent

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problems, operators are called to public inquiry hearings.

Recent technical advances, such as automatic number plate recognition (ANPR) and handheld computers, mean that, when vehicles are spotted by VOSA on the road, a quick check of the registration number ties the vehicle to an operator and, in turn, immediately its OCRS. The agency can then immediately decide whether to stop the vehicle or allow it to carry on with its journey unimpeded.

Given that the OCRS is calculated by reference to vehicles being inspected and faults found, if VOSA continues to find problems with vehicles or with company paperwork, then points accrue and an operator's score worsens. Then there is an increased chance of its vehicles being stopped and a downward spiral begins, with the operator only

able to remedy this situation by ensuring everything is always 100% correct. If successful, that leads to clear encounters and eventually a reduction in the score and fewer vehicle stops.

Many operators complain that they are being targeted by VOSA – and this is correct. A brief inspection of the OCRS shows that, in

VOSA's opinion, its approach is merited. 'Red' operators run a

high risk of being non-compliant and, sure enough, when vehicles are stopped, something is almost always wrong. So, for VOSA, the statistics speak for themselves.

Indeed, many public inquiries are now triggered by operators having poor OCRSs, which can lead to a VOSA investigation that, in turn, highlights failings. Traffic commissioners are taking an active interest in how operators handle their scores, seeing these as useful management data. It is not uncommon for traffic commissioners to challenge operators at inquiries to reduce their scores – and view failure to do so as grounds to recall them to additional hearings where further action is taken against their licences.

*Tom Bradley*

## All change at OCRS

So far so good, but later this year we are highly likely to see the first major change to OCRS.

Changes were originally due to come into force on 30 April 2012, but have been delayed due to 'technical difficulties', according to VOSA.

First, VOSA will introduce a new colour band (a 'grey' rating for operators having had no encounters with VOSA). Secondly, the agency will remove the numerical score given to businesses. The risk rating will then be calculated solely by reference to the operators' recorded performance. Thirdly, scores will, in future, be calculated on a weekly basis. And, finally, the changes also extend the period for which data is considered – from two to three years.



There will, though, be a reduction in the value of points given against an operator, depending on their age. In the first year, points will carry their full value, but, in the second year following issue, the value falls to three quarters, while in the third year they will be reduced to half.

There will also be changes in the way points are attributed. VOSA will shortly be issuing new tables, showing the various point values for infringements. Incidentally, ADR checks will also be included as encounters. And, when the new system goes live, the OCRS for all operators will be retrospectively recalculated using the new rules and many operators are likely to see a change in their risk rating.

In addition to changing the way scores are calculated, VOSA plans to introduce the notion of 'straight to red'. This will see an operator's score change to a 'red' band immediately certain trigger events occur. For example, if an operator is successfully convicted after a prosecution, the business will go straight to red and remain there for a period of one year. Similarly, where there is no prosecution but VOSA issues a fixed penalty, or prohibition for a transgression the agency considers a 'serious infringement', the operator's OCRS will move to red for a period of six months.

**Straight to red**

The new 'straight to red' system may have a severe impact on many businesses. For operators with hundreds of vehicles, one rogue driver could lead to the company's vehicles being stopped on an almost daily basis for a long time. VOSA has acknowledged that this could create substantial difficulties, and be disproportionately harsh for operators that hitherto enjoyed an unblemished record.

In the meantime, the proposed changes to the way OCRS is calculated make clear encounters all the more important. Even though the value of points reduces over a three-year period, they will remain on a licence for longer. Also, a clear encounter always retains its value, so helping to reduce the risk rating.

Furthermore, there is now a real need for operators to avoid prohibition notices and, if infringements lead to prosecutions, operators should work hard to avoid a conviction at court. Operators will need to defend any prosecution wherever possible and, if a defence is not available, look to advance the best possible mitigation, in the hope of receiving an absolute or conditional discharge. This will be the best way to avoid the 'straight to red' change.

Additionally, since MoT test failures are one of the major reasons for operators accumulating points for



infringements, leading to higher OCRS, it is now crucial that any vehicle passes its MoT test at first presentation. This requires thorough preparation. As a matter of good practice, all vehicles should receive a rolling road brake test, exhaust emissions and headlamp alignment checks.

Many operators believe that simple adjustments during the test do not count. This is incorrect: if something has to be adjusted on the test lane, VOSA counts the process as a PRS (pass after rectification at the station), but it is logged as a failure, in terms of the operator's OCRS.

Crucially, operators that receive prohibition notices must fully investigate the circumstances. If an operator feels the prohibition notice is unfair or that a notice given an 'S' marking was unwarranted, appeals must be made. Operators should no longer take the view that they will not challenge notices or assessments either for fear of upsetting VOSA or because it might take too much management effort. Points attributed to prohibition notices will remain against the licence for three years and increase the likelihood of the operator's vehicles being stopped.

At time of writing, the details of when the new system will be introduced are yet to be confirmed, but operators should check this journal, its website and the VOSA website ([www.vosa.gov.uk](http://www.vosa.gov.uk)). The changes will be significant. Operators that remain non-compliant will suffer most, seeing increased vehicle checks, a heightened possibility of being called to a public inquiry and significant disruption to their businesses.

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