

FRONT LINE

Driver management is key for fleet engineers and transport managers. That's because not

Driver must perform many duties, both by law and to match best practice. These range from standard of driving to time management (drivers hours' rules and tachograph legislation – and, for PSV drivers, punctuality) and vehicle safety, which breaks down into issues around load security and vehicle condition. All of these are important, but let's focus on the latter. Why? Because the traffic commissioners and DVSA both take the view that drivers are the front line in operators' maintenance systems. So when they fail, the consequences are numerous.

First things first. If drivers are found to be in charge of defective vehicles and the police or DVSA believe they should have known about the issue(s), they will receive fixed penalty notices or face prosecution. Depending on the defects, these may or may not lead to penalty points. More serious items, such as brakes or steering, carry discretionary disqualification or, failing that, penalty points.

Where vehicles are considered to be in a dangerous condition, the best drivers can expect is three points or a short ban. Ultimately, they could be prosecuted for dangerous driving. This leads to a one-year disqualification and a requirement to re-sit the driving test. But if vehicle defects lead to a fatal accident, a driver can be prosecuted for causing death by dangerous driving, or manslaughter. Here, the usual penalty is a term of imprisonment that starts at two years. And it doesn't stop there: a driver may also be called before the traffic commissioner for a driver conduct hearing and find his or her vocational driving licence suspended or even revoked.

Operator consequences

But here's the thing: even though drivers may be responsible for defects or blamed for using unroadworthy vehicles, through failing to report problems, operators may also face serious consequences. Inevitably, a prohibition notice will be issued. And where DVSA believes a driver should have known about the defect(s), it will also probably be 'S' marked, indicating a failure of maintenance. The operator will be visited by vehicle examiners and a maintenance investigation conducted. In some traffic areas, public inquiries are called regardless of what is found.

Operators will also often face prosecution as a result of drivers' failings. Many Construction and Use offences and low-level allegations of dangerous condition amount to 'strict liability' offences. So all the prosecuting authority has to show is that the driver was employed by the operator and using the vehicle in the course of that work. It does not matter whether the operator knew about the defect.

More serious offences, such as aiding and abetting the driving of a vehicle in a dangerous condition, do require the authorities to show operator culpability. This will generally be in the shape of failure to adhere to best practice or a direct



*Andrew Woolfall is
with Backhouse
Jones Solicitors*

MAINTENANCE

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instruction to a driver. However, a lack of systems or procedures may be sufficient. Fatal accidents can see operators being prosecuted for causing death by dangerous driving, corporate manslaughter, or health and safety breaches. Directors and managers can also be prosecuted.

Operators are also frequently called before the traffic commissioners for public inquiries as a result of drivers failing to conduct thorough first-use inspections or follow defect-reporting procedures. In fact, this is one of the most frequently raised issues at public inquiry. The commissioners often rely on prohibition notices or adverse maintenance reports as evidence of breaches of the 'O' licence.

Operators give undertakings, including having systems in place to ensure that: the laws relating to driving and operation of vehicles are observed; vehicles are kept in a fit and serviceable condition; and drivers report defects that could prevent the safe operation of vehicles, with details recorded promptly and in writing.

'O' licence risk

Where the traffic commissioner takes the view that these undertakings have been breached, it is not unusual to see an operator's licence curtailed. The number of authorised vehicles may be reduced to a figure the commissioner believes the operator can manage, or the licence may be suspended to enable the operator to have all vehicles and drivers off the road for proper training and instruction.

Given the consequences of drivers failing on walk round checks and defect reporting, there are several points that fleet engineers, transport managers and operators might consider. First, put a system in place that is easy to understand and use. This should require drivers to undertake first-use inspections and record findings either electronically or on paper. Applications have been developed for mobile phones and iPods, which will assist drivers. Alternatively, simple duplicate books can be used. There must, though, be a system for ensuring that drivers properly record their findings and report defects.

Having devised a system, all staff should be trained in how it works and what is expected of them. This is where driver CPC training can play a key role. But there are no mandatory or prescribed modules in the DCPC, so operators are advised to include defect reporting within staff training.

Once training has been delivered, regular audits should ensure that drivers are doing what is expected of them. As part of this, all preventive maintenance inspection sheets should be reviewed. If technicians find defects that drivers should have reported, a check should be made against driver defect sheets. If the driver has failed to identify the defect, an inquiry should be held. Consideration should be given as to retraining the driver or taking disciplinary action.

Time and again, I see PMI sheets showing defects such as blown bulbs, worn tyres or damage to the vehicle that a driver should have spotted and reported. Drivers may say that these arose on the day of the inspection, but analysis of the PMI sheets shows similar issues arising every time the vehicle goes to the workshop. The only plausible explanation is that drivers are failing to properly conduct thorough checks. DVSA officials and traffic commissioners frequently look for such failings when examining an operator's records. This is why technicians, fleet engineers and transport managers must review PMI sheets and act on the information they find.

But best practice also involves conducting audits of drivers' inspections. Instead of simply observing drivers perform their morning checks (if they're being watched, they will be thorough), implement a secondary inspection before vehicles leave the yard. Audits should be on a random sample of the fleet. Depending on fleet size, checking one or two vehicles a week may be sufficient. Again, any shortcomings must be acted upon.

I know of some operators who deliberately place defects on vehicles – although controls must be in place to ensure vehicles do not leave without these being rectified. Others place notes around vehicles requiring drivers to contact the transport manager. When they fail to ring, the manager knows drivers have not performed proper inspections.

While some might think the obligations and duties placed on drivers are self-evident, they should always be properly explained and operators should have thorough and effective systems for ensuring compliance.

Failures by these front-line staff to ensure that vehicles are in a safe condition can have far-reaching consequences – whether they be the result of an incident, its subsequent prosecution or an appearance before the traffic commissioner. **TE**

