

# smooth operator



**Licensed to skill? Contracting-out your vehicle maintenance? Look before you leap, warns Brian Weatherley. Outsourcing doesn't mean relinquishing your 'O' licence responsibilities**

So you've decided to outsource your vehicle maintenance. Goodbye workshops and goodbye worries, right? Not quite. Remember DVSA's (Driver and Vehicle Standards Agency, formerly VOSA) 'Guide to Maintaining Roadworthiness': 'When a maintenance contract exists between you (the operator) and an agent, you remain legally responsible for the condition of the vehicle, the authorisation of any work undertaken and the retention of records'. Moreover, it cautions: 'Care must be taken to ensure that the facilities ... are adequate and that staff are competent.' In short, if your contractor screws up, you, as 'O' licence holder, still carry the can.

The IRTE's 'Maintenance Supplier Assessment' is a comprehensive guide through the maze, covering how to spot weaknesses in would-be contractors' systems. Its starting point: when signing up a third party maintenance provider, you're committing the reputation of your business. So, check: are they as good as they say they are?

## Accreditation is key

The IRTE's Workshop Accreditation Scheme, operated with the FTA (Freight Transport Association), audits commercial vehicle workshops, providing an independent benchmark of quality standards and skills. So, are they accredited? Likewise, are your contractor's technicians irtec licensed? If not, why not?

DVSA's view: "Our recommendation is that maintenance providers and technicians/inspectors should be accredited, or meet a recognised quality standard. This can be achieved equally by franchised and independent organisations." DAF, for example, now has more than 1,350 irtec-licensed technicians.

You must also provide the Central Licensing Office, in Leeds, with proof of your maintenance agreement (signed by both parties), detailing safety inspection frequencies and the responsibilities of both you and your maintenance provider. VOSA's pro-forma contract – GV79 annex D – provides a basic template. It's not mandatory, but transport lawyer Backhouse Jones director Andrew Woolfall makes the point that, whatever the notification document supplied, that's what you'll be judged by at either a DVSA maintenance investigation or public inquiry.

You also need to communicate with Leeds promptly. "If you look on the 'O' licence application, one of the undertakings is that you'll notify the traffic commissioner of any material change. If you change your maintenance arrangements, or your contractor, or your inspection intervals, those are material changes and you must send notification within 28 days," advises Woolfall.

He also warns that one common mistake when drafting maintenance agreements is a lack of clarity. "You might assume that, as your contractor has their own roller-brake tester or headlamp-aim equipment, they'll be used every time your vehicle has a safety inspection. But, if you don't specify that requirement in the contract, there's no guarantee they will... The traffic commissioner might expect having them done at every inspection, or at least once every quarter. So, when you're setting up the contract, be clear as to exactly what the service must include."

Likewise, Woolfall advises operators to be certain that, if a vehicle is booked in for a safety inspection on a certain day, it's done on that day. "If it's put off for a week, you've already slipped that time on your maintenance inspection interval. So it's those kinds of arrangements: the availability of inspection slots,

what happens if one isn't available when it's due, and who must be involved."

For Woolfall, full disclosure is also critical. "One of the big problems is often getting PMI (preventative maintenance inspection) sheets back with vehicles after they've been serviced. They often come when the invoice is done, but that might be a month later. So the contract should specify that, as soon as vehicles come back, you'll be given copies of the PMI sheets, if you're not getting the originals at that point. That's not just for DVSA, but also so your own fleet engineer or transport manager can see them." And, if you plan to use an online system, Woolfall cautions operators to build-in a clause that requires the data to be available even after a contract comes to an end. "It's your data," he insists.

Now, with your service contract in place, how do you know you're getting what you're paying for? The Roadworthiness Guide stresses: 'You need to be satisfied at all times that the level of maintenance agreed matches the demands placed upon the vehicles, and that the standards achieved by the contractor are kept at a sufficiently high level.'

DVSA confirms that failing to monitor contractor performance is one of the major mistakes following



outsourcing. Failing to audit the contract is another, it says. Receiving copies of maintenance records, making sure defects have been rectified and the vehicle declared roadworthy, being made aware of advisory defects so they can be monitored, and making sure brake performance has been checked on a safety inspection are among other omissions. Likewise, the agency recommends closely monitoring MOT failure rates, which can be hidden by the maintenance provider, but nevertheless affect your OCRS (Operator Compliance Risk Score).

Woolfall concurs and adds: "Whether your maintenance is carried out internally or externally, it's always good to audit the quality of work." And while some operators see MOT pass rates as a good enough measure, he flatly disagrees. Everyone knows that's the one occasion when DVSA will be looking at your vehicles, so best behaviour rules, he says.

"By far the better way is random independent inspections. They can be once every six months or, if you've got a good garage, once a year, with a percentage of your fleet inspected after they've been for PMI checks."

The FTA's VIS (Vehicle Inspection Service) conducts such

audits for non members and members (at a discount). VIS head David Wylie reports that users of the service are significantly more compliant in a number of key safety critical areas, compared to the average among those stopped by DVSA and issued with prohibitions. "Whether it's to have their PMIs carried out or maintenance contractor audited, those using VIS ... are far-more compliant," he insists.

The bottom line: always include minimum standards in your contract. "It might be worth requiring a minimum MOT pass rate of 95% and a financial penalty for failure," suggests Woolfall. "Similarly, if the operator picks up an 'S' marked prohibition notice as a result of a garage failure, maybe some kind of financial penalty is appropriate."

It's not unreasonable to ask your service provider for such conditions. And, if they refuse, you've got to wonder why. However, if you're Joe Bloggs running two vehicles, a service provider may well refuse to expose itself to such liabilities. It should be a different story, though, if you're a big corporate running 2,000 trucks. **TE**

## Web-based help

IRTE's 'Maintenance Supplier Assessment' booklet, sponsored by Backhouse Jones, can be downloaded via the SOE/IRTE website ([www.soe.org.uk](http://www.soe.org.uk)), where there's also information on its Workshop Accreditation Scheme and irtec technician licensing. Information on FTA auditing and VIS is on the FTA website ([www.fta.co.uk](http://www.fta.co.uk)). The DVSA website has downloadable PDFs of the 'Guide to Maintaining Roadworthiness' and GV79 annex D ([www.gov.uk/government/publications/guide-to-maintaining-roadworthiness](http://www.gov.uk/government/publications/guide-to-maintaining-roadworthiness)).

TE's straw-poll of chassis manufacturers confirms that most provide standardised maintenance agreements through their dealers and service outlets, with either external or internal audits included. Volvo uses the FTA for its audits. DAF's dealers undertake quality audits on more than 15% of inspections carried out in their workshops. It also conducts dealer audits. Likewise, Renault and Scania operate internal audits, as well as using 'mystery shoppers'.