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HEALTH AND SAFETY COMMISSION

Action arising from the HSC Discussion Document - Preventing workplace transport accidents

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Issue

1. To reduce the number of workplace transport accidents caused by inadequate driver training.

Timing

2. Routine.

Recommendation

3. The Commission is invited to endorse proposal (b) in paragraph 16, i.e. to develop introduce a formal training requirement for workplace transport drivers (excluding some types of transport). The proposal is to implement this by adopting (c) in paragraph 18, i.e. amend Regulation 9 of the Provision and Use of Work Equipment Regulations 1998 (PUWER) to introduce a legal requirement for formal qualifications, re-training and/or re-testing within specified timescales, licensing/certification and the possible need for fitness/medical requirements on drivers¹. This would be supported by HSE guidance on compliance and would provide for effective training as a key to improving competence and reducing accidents. The initial thrust of this initiative will be focussed on drivers of forklift trucks which is the category of vehicle involved in most accidents. The success with forklift trucks will determine the direction we take with other categories of vehicle.

Background

¹ A medical examination is already required under road traffic legislation for drivers of large goods or passenger carrying vehicles used on the road at age 45 and every 5 years thereafter.

4. Workplace transport means any vehicle that is used in a work setting. It specifically excludes transport on the public highway; air, rail or water transport, and specialised transport used in underground mining.
5. At present there are well defined training and testing procedures for drivers of road vehicles used for work on the public highway. They range from the basic driving licence for light goods and vans to specialised training and licencing for large goods and public service vehicles. It includes a medical examination required under road traffic legislation for drivers of large goods or passenger carrying vehicles used on the road at age 45 and every 5 years thereafter. In contrast current specific training requirements for workplace driver training only apply to rider-operated lift trucks, despite the fact that the vehicle and driving environment in workplaces is arguably more hazardous than the road environment, requiring more potentially hazardous manoeuvres, such as reversing.
6. As part of the Revitalising initiative, HSC agreed in October 2000 that efforts to reduce workplace transport related accidents would be one of eight 'Priority Programmes' within its Strategic Plan. This decision acknowledged that a major reduction in workplace transport related accidents would take us some way towards achieving the 'Revitalising' targets, i.e. to reduce deaths and major accidents by 5% by 2004 and 10% by 2010. Workplace transport accidents currently account for the second highest number of fatalities in the UK workplace. In 2001/02, 25% (63) of all worker fatalities involved a vehicle, 39 of which were caused by being struck by a moving vehicle; 2586 workers were seriously injured and 9116 sustained injuries that kept them off work for more than three days. In addition, members of the public sustained 386 non-fatal injuries in vehicle related accidents².
7. HSE's Economic Advisors Unit has advised that these accidents alone cost between £540 million and £544 million in 2001/02. This includes the loss of output due to injury; ambulance costs and the costs of hospital treatment, and human costs which represent pain, grief and suffering. This estimate excludes costs of damage to vehicles and premises and lost production.
8. All of these factors suggest that the value of improving training for workplace transport vehicles should be examined. A workplace transport accident scoping study by HSL of RIDDOR forms for accidents in local authority enforced premises from January 1999 to December 2000 identified that 25% of those accidents were attributable to driver error. In a separate analysis of the causal factors of workplace transport accidents undertaken by FOD between 1998 and 2001, it was found that inadequate driver training was a significant factor in 21% of the accidents investigated. In addition, the number of notices served by FOD for workplace transport between 1 April 2002 and 30 September 2002 shows that a total of 510 notices were served of which 163 (31%) were for inadequate driver training.
9. It is estimated, based on the above, that between 20% and 30% of workplace transport accidents are caused by driver error. If this were the case, then the benefits from preventing all the accidents caused by driver error would have been between £108

² The workplace transport related accident figures included in this paper have been provided by HSE's Safety and Enforcement Statistics Unit and include all injuries involving a vehicle as reported to HSE's enforcing authorities, excluding Mines Inspectorate and Offshore safety Directorate. Workplace transport statistics for previous years could only be calculated from four specific types of accident involving vehicles, i.e. struck by a moving vehicle, falling from a vehicle, materials falling from a vehicle and collapse/overturn of a vehicle. Therefore no direct comparison can be made between the statistics for 2001/02 and those published for workplace transport in previous years.

million and £163 million in 2001/02. Following the introduction of HSC's ACOP 'Rider-operated lift trucks: Operator training' there was a 10% reduction in the number of accidents. With robust legislation in place it is likely that there will be an even greater reduction in the number of accidents, a realistic estimate of 50%, would result in savings of between £54 million and £82 million based on current prices.

10. As indicated previously current specific training requirements for workplace transport driver training only apply to rider-operated lift trucks. For the purposes of the ACOP, HSC has recognised five bodies to accredit and monitor organisations that train instructors and/or train, test and certify operators. This places HSC in the position of approving the quality of the service carried out by the accrediting bodies – a function it does not have the resources to carry out properly.
11. Since the ACOP was published, HSC has issued a policy statement on the use of conformity assessment to promote health and safety. This says that 'Where HSC has introduced a direct approval scheme, HSC will seek to replace it by independent assessment once an appropriate standards framework and/or bodies, e.g. the United Kingdom Accreditation Service and Lloyd's Register, competent to assess conformity have developed.' There are now bodies competent to assess conformity which, if used, would remove HSC from the untenable position of recognising bodies without an independent assessment.
12. In January 2001, HSC issued a Discussion Document 'Preventing workplace transport accidents' (DDE18) that suggested measures to reduce the deaths and injuries caused by workplace transport. That discussion period ended on 10 May 2002 and 149 replies were received. Replies came from a broad range of sources, including trade unions, employer associations, trade associations, large and small companies, local authorities, academics, lift truck accrediting bodies and training providers, and a number of private individuals. A list of respondents to the Discussion Document is attached at the Annex.
13. HSE's Workplace Transport Policy Group considered all the replies and identified three key areas that had broad support from the majority of respondents. One of these was that training was seen as the key to preventing workplace transport accidents³.
14. The results from the Discussion Document have been analysed in detail for views in the key area of driver training. There was general support from stakeholders for formal training for all workplace transport drivers backed by the weight of law. Consultees also wanted specified timescales for refresher training. There was also a small but significant view that drivers should undergo fitness/medical checks. To explore these options, discussions were held with the Driving Standards Agency, the Driver and Vehicle Licensing Agency (DVLA), the Employment National Training Organisation (EMPNTO), the Qualifications and Curriculum Agency (QCA) and the HSE solicitor.

15. **Argument**

There are two main options:

³ Respondees also raised the need for existing guidance to be revised to make it clearer, more specific and more accessible; and, the need for new guidance on worksite design.

(a) do nothing and continue to rely on the current accreditation system. controls. Doing nothing would leave HSC in the untenable position of recognising bodies to accredit lift truck driver training without an independent assessment of their suitability. Moreover, it would do nothing to improve the incident situation. ; or

(b) develop and introduce a formal training requirement for workplace transport drivers (initially targeting drivers of lift trucks and excluding some types of transport where the risk is minimal). This could involve: formal qualifications; re-training and/or re-testing within specified timescales; licensing/certification and possibly fitness/medical requirements on drivers¹.

16. It is recommended that option (b) is adopted. Under this proposal, the EMPNTO, in conjunction with the five recognised bodies and other stakeholders, would draw together existing standards for driver training and develop them into national standards. The standards and the training providers (the five recognised bodies plus any other training providers) would be accredited by the QCA. This is likely to lead to the availability of an NVQ/SVQ or an equivalent occupational (e.g. City and Guilds) qualification. Drivers of vehicles used in quarries are currently being encouraged by FOD to undertake NVQ training. HSE has visited the DVLA and it has indicated that it would be willing to consider such licences or identity cards (in the same style as the current Road Traffic Act licences and identity cards. The Major Contractors Group of the construction industry is already supporting (from January 2004, demanding) a system similar to this for plant operators in the construction industry. There are advantages in a consistent pan-industry scheme. This would also open up the possibility of funding for the training from the Learning and Skills Council (LSC) and its Scottish and Welsh equivalents.

17. There are three ways of bringing about the introduction of a more formal training requirement for workplace transport drivers. These are:

(a) extend the 'Rider-operated lift trucks: Operator training' ACOP to drivers of specified families of workplace transport machines. The ACOP would advise that compliance with Regulation 9 means that these drivers have to undergo recognised training. The five recognised bodies already provide training for other workplace transport machines. Other bodies may wish to become recognised. In the case of this option, we would include advice in the ACOP on the need for refresher training (with timescales) and the possible need for fitness/medical requirements on drivers²;

(b) amend the PUWER ACOP to advise that compliance with Regulation 9 means that workplace transport drivers have to undergo recognised training. This is the approach that has been adopted for chainsaw operators. FOD Agriculture Sector regard this approach as more robust than that for lift truck operators. We would include advice in the ACOP on the need for refresher training (with timescales) and the possible need for fitness/medical requirements on drivers¹;

(c) amend Regulation 9 of PUWER to introduce a legal requirement for formal qualifications, re-training and/or re-testing amend within specified timescales, licensing/certification and the possible need for fitness/medical requirements on drivers². This would be supported by HSE guidance on compliance. The initiative will initially target drivers of lift trucks.

18. HSE considers that option (c) above provides the best opportunity of meeting HSC's priority programme targets for workplace transport. Stakeholders have asked us to clarify the term 'adequate training' as used in PUWER. The introduction of a nationally

recognised training scheme would raise standards, create a level playing field, lead to a more professional workforce and contribute to a reduction in accidents. It would also provide a means for HSC to hand over responsibility for accreditation of driver training provision to a more appropriate body.

Consultation

19. These options stem from responses to the Discussion Document. HSE's Workplace Transport Policy Group and Workplace Transport Priority Programme Project Board have been consulted on these options and agree that they should be submitted to the Commission. Further development of any proposal would be subject to a full public consultation.

Presentation

20. Workplace transport is one of HSC's priority programmes. Following consultation on the Discussion Document, stakeholders are expecting to see action to raise standards and reduce the significant accident toll. Presentation would focus on the benefits of resolving the inconsistencies between on road and workplace driving, and the potential benefits.
21. Every effort will be made to ensure that all interested parties are given a further opportunity to comment.
22. Agreed proposals could be implemented gradually over a number of years, starting with new, inexperienced, drivers of driver operated lift trucks (a group shown to be more at risk than others)

Costs and Benefits

23. The potential benefits to society from preventing workplace transport accidents are explained above in paragraphs 9 and 11. A full Regulatory Impact Assessment will be prepared for the consultative document. There will undoubtedly be costs to society, which are likely to differ according to the option and approach chosen. Industry costs may be offset by funding from the LSC and transition eased by phasing in the need for formal qualifications over a period of time. There will also be benefits to industry in having a more efficient workforce resulting in less time and money lost through accidents together with specified standards for training as opposed to the current and unquantifiable requirement of 'adequate' training set out in Regulation 9 of PUWER.

Financial/Resource Implications for HSE

24. Existing HSE resources within the workplace transport priority programme were used to publish the Discussion Document, analyse comments and develop these options. The same resources would be used to develop a consultative document. HSE's preferred option would make it easier for HSE inspectors to enforce driver training requirements.

Environmental Implications

25. None.

Other Implications

26. None.

Action

27. The Commission is invited to approve the recommendation in paragraph 19. HSE will then produce a consultative document setting out detailed proposals for submission to the Commission as soon as practicable.