

The Work-related Road Safety Task Group

# Reducing at-work road traffic incidents

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Report to Government and the Health and Safety Commission



November 2001

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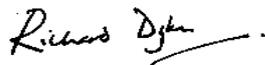
## Preface

In this report, the Work-related Road Safety Task Group recommends that Government and the Health and Safety Commission take measures to reduce at-work road traffic incidents. Our key proposal is that existing health and safety law should be applied to on-the-road work activities and that employers should manage road risk in the same way as they manage other occupational health and safety risks. We see no need for new regulation. The occupational health and safety system and the risk management principles that lie at its forefront are well established and, we believe, can be readily applied by employers.

Potentially, there are big gains to be made. The effective management of occupational road risk offers major safety and financial benefits. This report outlines these and indicates that whatever the size of firm, employers should assess risks and take proportionate action to safeguard their employees from them. Employees, too, have a role. When away from their workplace, they should drive and work on or by roads safely. Our report points to just how serious the issue is: up to a third of all road traffic incidents – 1000 fatalities alone – may involve someone who is at work at the time. We feel that better management of road risk will make a significant contribution to the Government's commitment to reduce the numbers of deaths and injuries on our roads.

One aspect of this work that has struck me has been the commitment of many people to take the opportunity this initiative allows to make a difference. This extends beyond the Task Group to those who responded to our discussion exercise. This report and its recommendations are the beginning. If the work is to be taken forward successfully, the enthusiasm of these partners and their networks will need to be harnessed. In turn, if that is done, I can see significant strides forward to reduce at-work road traffic incidents.

Government, however, is going to have to play its part. Expanding the role and responsibilities of the health and safety enforcing authorities and recommending closer working between them, the Police and other road safety enforcers cannot be done without adequate resources. If the Government is intent on hitting the targets set out in its overall road safety strategy, it will be essential to provide the necessary funding and I very much hope that this report will be successful in pointing the way forward in this important area.



RICHARD DYKES



## Summary of recommendations

### Primary recommendations

- *there should be a more rigorous application of existing health and safety at work law to on-the-road work activities, including occupational driving (rec 3);*
- *based on their risk assessment, employers should include measures to manage at-work road safety within their existing health and safety management systems, consulting employees and their representatives as necessary. Employees should co-operate with their employer to enable them to comply with their statutory duties; and they should take reasonable care of their own health and safety and that of others affected by their actions (rec 4);*
- *based on their risk assessment, employers should ensure that their employees are competent to drive, or work on or by roads, safely. A specific driving test for occupational drivers, beyond what is already required by law, is not recommended (rec 8);*
- *HSE should lead a public information campaign, in concert with DTLR and others, to alert employers that their occupational health and safety risk management systems should cover at-work road safety (rec 5);*
- *HSE, in consultation with stakeholders and as soon as possible, should develop generic guidance for employers and others on how to manage at-work road safety. HSE should review the impact of its guidance in Spring 2004, to determine whether to recommend the production of an HSC Approved Code of Practice on the issue (rec 6);*
- *the police report form (STATS 19) should be amended at its next quinquennial review (2002) to include questions about journey purpose (rec 1);*
- *at the next review of the RIDDOR regulations, HSC/E should consider how at-work road traffic incidents involving fatalities, major and over 3-day injuries should be reported to the enforcing authorities (rec 12);*
- *the various health and safety and road safety enforcing authorities, led by HSE, should develop ways of working to investigate at-work road traffic incidents and take appropriate enforcement action; and to adopt a coordinated approach to preventive activity (rec 13);*
- *DTLR and HSE should develop a programme of research to learn more about at-work road safety issues for example on causation, the practicability and effectiveness of management interventions, human factors, costs of at-work road traffic incidents, roadside working, international and intermodal comparisons (rec 2).*
- *an appropriate standing body should be charged with taking forward the recommendations in this report and monitoring their implementation, preparing a first update on progress to Ministers and HSC in Spring 2004 (rec 17);*
- *Government and HSC should consider what resources are appropriate to implement these recommendations (rec 18).*

## Secondary recommendations

- *subsequent to the publication of generic HSE guidance (rec 6), HSE and other appropriate bodies should consider the production of subsidiary guidance for specific sectors and for small firms and include case studies (rec 7);*
- *HSE should seek to influence management training providers to include at-work road safety risk management issues within management courses that address health and safety (rec 9);*
- *HSC/E, in implementing Action point 5 (involving the insurance industry) and Action point 26 (designing a grant scheme for small businesses) of the Revitalising Health and Safety initiative, should include at-work road safety in their considerations (rec 10);*
- *the DTLR/HSE-led High Level Forum, providing leadership on health and safety management issues within the Civil Service, should consider at-work road safety within its deliberations (rec 11);*
- *further work should be carried out to explore whether HSE be given the power to object to the granting and monitoring of operator licences, and whether they should be encouraged to report to the Traffic Commissioners and others any malpractices in regard to health and safety matters by existing licence holders (rec 14);*
- *DTLR and appropriate agencies should conduct further work to look into how best to improve the safety of the operation of light goods vehicles, for example through a modified operator licensing system (rec 15);*
- *police authorities/chief constables should use their powers to pursue employers who fail to meet their responsibilities under road traffic law, taking prosecutions against them as appropriate (rec 16).*

## **Introduction**

1. This is the report of the independent Work-related Road Safety Task Group, appointed in May 2000 jointly by Government and the Health and Safety Commission, to recommend measures aimed at reducing at-work road traffic incidents. Its focus is on how health and safety risk management principles can be brought to bear on at-work road risk and the role employers, individuals, Government agencies and others can play in working together to reduce deaths and injury on our roads.

2. Last year 320,283 people were involved in road traffic incidents. Just over 3,400 individuals were killed and nearly 40,000 injured. In 2000, the Government, in its Road Safety Strategy *Tomorrow's Roads: safer for everyone* set out its 10 year targets for reducing these figures: a 40% reduction in the number of people killed or seriously injured in road accidents; a 50% reduction in the number of children killed or seriously injured; and a 10% reduction in the slight casualty rate. The latest statistics show some improvement but much remains to be done to meet the targets.

3. The establishment of the Task Group was announced within the strategy, signalling Government commitment to see what action can be taken to reduce road traffic incidents that are connected to work. Many vehicles are driven for work purposes, for example lorries, vans, taxis, coaches, buses, emergency service and utilities vehicles, company cars, construction and agricultural machinery, motorcycles, mopeds and bicycles. And many people work on or by the road, for example maintenance workers, refuse collectors, postal workers, vehicle breakdown employees, the police and so on. All these workers are exposed to risks from traffic.

## **The Task Group**

### *Terms of reference*

4. The Task Group first met in May 2000. Our membership is at annex 1 and draws on the expertise of a wide range of organisations: employers, both large and small, worker representatives, law enforcement agencies, road safety experts, driving standards, transport groups, the insurance industry and policy makers. We have been ably serviced by officials from the Health and Safety Executive (HSE) and the Department for Transport, Local Government and the Regions (DTLR). We pay particular tribute to Roger Peal, Head of Road Safety Division at DTLR who very sadly died before this report was finalised but whose contribution to its development was much welcomed.

5. We were asked jointly by the Government and the Health and Safety Commission to:

- establish (or signal what further work is required to establish) accurate casualty and incident statistics for work-related activities on or near roads;
- establish (or signal what further work is required to establish) the main causes and methods of preventing work-related road traffic incidents;
- promote a public debate on best practice in relation to preventing at-work road traffic incidents;
- propose minimum health and safety management standards for employers, the self-employed and others for work-related journeys and other work activities on the highway;
- propose if possible non-legislative mechanisms for dovetailing road traffic law with health and safety at work law;
- propose mechanisms for effective liaison between those who enforce road traffic law and those who enforce health and safety at work law
- prepare a Regulatory Impact Assessment if appropriate.

6. Safety on the roads is already a highly regulated area. The Road Traffic Acts, supporting regulations and the Highway Code lay down standards of behaviour for us all. And in certain transport sectors, for example for those operating large goods vehicles and public service vehicles, more stringent regulation applies. The Task Group was keen, therefore, to make sure that our proposals fit with, rather than duplicate existing requirements and that they focus on what employers and individuals can do to make working on or by roads safer for everyone. Our particular focus was to examine whether the policy not to apply existing health and safety law to all on-the-road work activities, endorsed by successive Governments, was right and, if we were to recommend change, how that might come about and the implications arising from it.

### *Scope*

7. For the purposes of this report and our recommendations, we considered our remit to be to examine at-work road journeys that expose workers and/or members of the public to risks from traffic; and other work activities carried out on or near roads that expose workers to risks from traffic. We have excluded incidents arising when individuals are commuting regularly to and from work, as an employer's duty of care to protect the health and safety of their employees does not generally extend to such situations.

### *Method of working*

8. The Task Group met four times. At our first meeting, we established a number of smaller sub-groups, made of both Task Group and other invitees to look at intelligence gathering on at-work road safety, arrangements for engaging others in this work and to examine the roles and responsibilities of enforcement bodies and how they might work more closely together. We also commissioned, through HSE, research into the quantification of at-work road traffic incidents and a study into liaison arrangements between road safety and health and safety enforcers.

### *Discussion exercise*

9. An important aspect of our work has been to seek to engage as wide a range of people as possible to help us with our deliberations. We did this in two ways. We issued a Discussion Document on 1 March in which we sought views on whether action should be taken to reduce the number of at-work road traffic incidents; whether health and safety management systems, if applied to on-the-road risk, would have an impact; issues surrounding driver competence; how to effect change; and questions on reporting systems and enforcement issues. We also held a national conference at the Barbican Centre on 5 April at which both Lord Whitty, then Minister responsible for both road safety and health and safety, and Bill Callaghan, Chair of the Health and Safety Commission, spoke.

10. A summary of the discussion exercise is at annex 2. We had a very positive response to this consultative process and are grateful to those who gave us their views. While we cannot please everyone and have to balance the range of opinions, we have nevertheless tried to take full account of what people said to us and we make a number of references to the general flow of opinion in our report.

### **Layout of the report**

11. We begin our report by summarising what we know about the scale and nature of at-work road traffic incidents and research on the issue. There are significant gaps in our knowledge and we make recommendations to fill them. We go on to set out the current legal requirements on road safety in relation to employers and drivers. We summarise existing health and safety law and practice and suggest how this might beneficially be applied to on-the-road work activities. We then examine the key issue of how we might bring about change, not least through awareness raising, disseminating good practice and better training. We recommend measures in relation to reporting arrangements and compliance issues. Finally we suggest ways in which the work we have started can be taken forward.

12. By their nature, some of our recommendations will have greater impact than others. In our summary of recommendations at the beginning of the document, therefore, we have separated out our principal recommendations from those we consider supplementary. However, we believe that action needs to be taken on them all and Government will need to make appropriate resources available if they are to have an effect. We expand on this issue at the end of our report and include a Regulatory Impact Assessment to support our view that significant benefits can be made from taking action in this area.

13. Some of our recommendations refer to the *Revitalising Health and Safety* initiative, a strategy statement announced by Government and HSC in June 2000, the aim of which being to add fresh impetus to better health and safety at work but which currently excludes at-work road safety. We have sought to coordinate some aspects of this work with that initiative but would expect further alignment to take place so that future initiatives under the *Revitalising* banner take full account of at-work road safety.

## **The scale and nature of the problem**

### *Available evidence*

14. The police at crash scenes, using a STATS 19 form, gather information about road traffic incidents involving injury and death. The data are then passed to DTLR for collation, analysis and subsequent publication in Road Accidents Great Britain. The results for 2000 have recently been issued. They show that of the 3,409 people killed in road traffic incidents, just under half were car occupants, a quarter pedestrians, just over a fifth motorcycle or bicycle riders and the balance bus, coach and goods vehicle occupants.

15. As the STATS 19 form does not include questions about journey purpose, we cannot be certain about the proportion of these incidents that involve someone who was at work at the time. Nevertheless, we can make some educated guesses based on the type of vehicle involved in incidents. An analysis of the figures for 1999, for example, shows that 6727 two-vehicle incidents involved cars and large goods vehicles and resulted in 204 fatalities among car occupants and 5 lorry drivers. Of the 7479 crashes between cars and light goods vehicles, 47 car occupants died and nine van occupants. Ninety-seven pedestrians were killed by large goods vehicles. In the PSV sector, 11 occupants died and 69 pedestrians were killed. And added to these should be the unknown number of fatalities between at-work car drivers and other car drivers, members of the public hit by at-work car drivers and those killed while working on foot on or by the public highway.

16. We think that there is an opportunity here to propose a small change that will help to produce more concrete evidence on which to base future decisions. Fortunately these procedures are subject to their regular quinquennial review next year and we believe it essential that the STATS 19 form be amended to enable the police to ask of those involved in road crashes about the nature of their journey. DTLR, HSE and the Police should develop and agree the questions and put in place necessary arrangements for additional training of police officers.

***Recommendation 1. We recommend that the police report form (STATS 19) should be amended at its next quinquennial review (2002) to include questions about journey purpose.***

### *Independent research*

17. To help us to quantify better the number of at-work road traffic incidents, we asked HSE to commission research. Business Strategy Group (BSG) undertook the work. They first examined data collected by the Office of National Statistics, compiled from coroners' returns, and identified those commercial vehicles involved in incidents resulting in death. They concluded that just under a quarter of road traffic fatalities involved a commercial vehicle. Data on at-work drivers of motor cars and other vehicles was less readily available but by looking at previous research findings, undertaking an

analysis of insurance claims history and carrying out special police surveys, they felt able to estimate that *between a quarter and third of all road traffic incidents involved someone who was at the work at the time.*

18. Both HSE and DTLR have commissioned research on the occupational aspects of driving and the portfolio is expanding. A summary of relevant past and planned projects, including a summary of BSG's work, is at annex 3. Much of this is focused on the company car driver and points to an increased accident liability among that type of driver, even after mileage is taken into account. Many organisations report significant improvements in incident rates following a variety of interventions, including driver training. One difficulty, however, is getting hold of robust data. Effort should continue in this area and it is our expectation that by raising the profile of this issue, we might see more cooperation and openness led by those who have already put effective arrangements in place.

#### *Future research needs*

19. Taking all the evidence together, even though there are problems with definitions and methodologies, the Task Group is certain that at-work road safety is an issue that needs further examination and some immediate action. A structured, prioritised programme of research needs to be taken forward jointly by HSE and DTLR, beginning with studies on incident causation and responsibility for road crashes. We have general information about these issues, for example that incidents occur because of inattention, fatigue, effect of drink/drugs, speeding and are linked to human factors such as age, experience, gender and attitude. But we need to be able to connect these incidents back to the management of at-work road safety. That way, we can get a better understanding of the issue and the types of interventions by managers that might have an impact. More research on pedestrian workers is also needed, for example on whether enough is being done to protect their health and safety.

20. Certainly, there was near unanimous support from respondents to our Discussion Document for early action to improve at-work road safety. Only a tiny minority felt that this should be restricted just to more research with some saying that the statistical evidence needed much strengthening before prescriptive action could be taken on this issue.

#### *International and intermodal comparisons*

21. As part of our information gathering, we looked abroad to see what action other countries were taking on at-work road safety. A short questionnaire was circulated to labour attaches in European Union member states, Australasia and North America. To date, a dozen responses have been received. Most countries face similar problems in relation to statistical evidence as we do. Plenty of data exist on the numbers of road traffic incidents and vehicles involved but the proportion involving workers is unclear. Some countries are taking steps to tackle the issue. France, for example, has developed a national action programme based on existing regional work by its health and safety services. It is important that these contacts are built upon in order to pool information and to learn from one another, not least because of the transcontinental nature of much professional driving. It also seems likely that the European Commission will take a closer interest in the health and safety management aspects of at-work road safety.

22. Safety regimes for different transport modes (road, rail, sea, air) have historically been self-contained. Such comparisons that are available suggest that the modes other than road are far safer per passenger-mile. We therefore feel that it would be useful for research to be carried out to compare the management of safety systems used for other modes of transport in this country with that used for road safety to determine whether useful read across lessons could be learnt.

#### *Costs and benefits*

23. The initial Regulatory Impact Assessment (RIA) at annex 4, prepared for us by HSE, illustrates the financial benefits to be gained from taking action to reduce at-work road traffic incidents. At a macro level, the overall cost to Britain of all workplace accidents and illness is

estimated to be between £14.5 billion and £18.1 billion, with the cost to employers alone estimated to be between £3.5 billion and £7.3 billion (HSE 1995/96). These estimates exclude additional costs arising from at-work road traffic incidents, which may add £3.7 and £2.7 billion respectively to those figures. DTLR estimate that to prevent a fatal road casualty costs over £1 million, including over £300,000 in lost output and that the total value of prevention of all road accidents in 1999 amounts to around £16 billion. However, we suffer from imprecise figures for the at-work proportion of these overall costs.

24. The potential benefits to employers from taking action are significant and mirror those found in studies to assess the extent to which health and safety management systems improve business performance, namely fewer accidents, less need for investigation and paperwork, less lost time and work rescheduling, lower training costs, fewer missed orders, improved morale, reduced insurance costs and so on. More importantly, fewer accidents result in less injury and suffering to the employees themselves, often crucial in smaller firms where the absence of key personnel can be devastating. Nevertheless, despite this compelling business case, we consider that further research should be done in this area and case studies developed to provide examples of measures that have been taken by employers to manage road safety better (see paragraph 40).

***Recommendation 2. We recommend that DTLR and HSE should develop a joint research programme to learn more about at-work road safety issues for example on causation, the practicability and effectiveness of management interventions, human factors, costs of at-work road traffic incidents, roadside working, international and intermodal comparisons.***

#### **At-work road safety: the current legal position**

25. The protection of workers and members of the public from traffic risks to date has been mostly a matter for road traffic law, normally enforced by the Police and the Courts. It has been Government policy for many years that the health and safety enforcing authorities should not investigate at-work road traffic incidents<sup>1</sup>. This has been considered the right way to proceed as road traffic legislation was considered to provide a suitable regulatory framework and adequate protection for people driving or working on the road.

#### *Employers' duties*

26. So far as at-work road traffic incidents are concerned, an employer may already be prosecuted in England and Wales by the Police and in Scotland by the Crown Office/Procurator Fiscal. This may be for setting timetables or schedules so tight that the driver would be breaking speed limits if they attempted to meet them; causing (a positive mandate) or permitting (a looser term of allowing someone to do something), for example, a person to drive without the relevant driving licence or a vehicle to be driven in a dangerous condition; failing to have suitable recording equipment installed in vehicles where appropriate; or failing to inspect goods vehicles. The Magistrates Act 1980 may also be relevant to employers in England and Wales who aid, abet, counsel or procure an offence. Employers are also responsible for ensuring their company vehicles are properly taxed and insured.

#### *Enforcers' roles*

27. Other organisations play an important role. Large goods and passenger carrying vehicles are already specifically regulated. Their hours of work (but not those of car or van drivers) are also regulated.

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<sup>1</sup> *except where work vehicles or workers are engaged in specific work activities, for example refuse collection, street cleaning or road maintenance; or where an incident takes place on the public highway immediately outside a works' premises, for example where a lorry is turning into an entrance way. And HSE and local authorities are responsible for regulating site transport within premises allocated to them under the Health and Safety Enforcing Authority) Regulations 1998 and HSE has produced useful guidance on safety issues (HS(G)136) and for the carriage of dangerous goods on the road.*

Traffic Commissioners have the powers to grant operator licences for those who run these vehicles, and to curtail, suspend or revoke these licences if operators or their employees breach conditions or undertakings on the licence. The Vehicle Inspectorate can be called in to examine whether a vehicle defect may have contributed to an incident and, often in tandem with the police, carry out spot checks on vehicle roadworthiness. Local authorities are required to carry out measures to promote road safety and carry out incident studies and take remedial action.

28. The Police, then, take the lead in investigating contraventions of road traffic law to determine cause and allocate responsibility where appropriate (usually against individuals, rarely against employers). There was much support from respondents in our consultative exercise that this should continue to be the case and the Task Group sees no benefit in recommending any change. Indeed, the Government has already indicated that this status quo should remain. What we would like to see, however, is a greater role for the health and safety enforcing bodies and increased co-operation between them and road safety regulatory bodies. We come back to this later in our report.

### *Employees' duties*

29. Road traffic legislation requires a driver to undertake a theory and a practical test to demonstrate their competence to drive a motor vehicle. Motor vehicles are grouped into categories under European legislation – broadly, cars, motorcycles, lorries and buses. Drivers have to hold a full car licence before they can learn to drive lorries or buses, and more demanding standards are set for tests to drive these vehicles. The minimum standards for driving tests, particularly for lorries and buses, are to be raised under European legislation.

30. Like any other driver, employees who drive must comply with the Road Traffic Acts and Highway Code, for example have the correct licence and insurance, be aware of and stick to the rules of the road, wear seatbelts, be in control of the vehicle, be fit to drive and so on. This is particularly important from an employer's perspective as it is that much more difficult for them to supervise the actions of employees away from the fixed workplace.

### **Application of health and safety law to on-the-road work activities**

31. One consequence of allowing road traffic law to take precedence over health and safety at work legislation has been that, other than for large vehicles, there has been little motivation for employers, or the enforcing authorities, to examine whether a failure in health and safety management systems might have contributed to an incident. The Task Group believes that this is no longer sustainable. Our key recommendation, therefore, is that employers should manage the risks associated with at-work road journeys and other on-the-road work activities within the framework they should have in place for managing health and safety within their organisations. This could mean that approaches set out in existing health and safety law (principally the Health and Safety at Work etc Act 1974 (HSW Act) & the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) would become relevant. We see no need for any new law.

32. We have mentioned the financial benefits for such a move. There are also strong moral, social and environmental arguments. The Task Group believes that it is wrong that workers out on the road who face significant risks, either as occupational drivers or employed to work on or by roads, are not offered the same protection as those working within fixed workplaces. The promotion of safer driving for work purposes should have knock-on effects into the wider community as safer driving practices extend into leisure driving. There would be an environmental gain, as safer driving should result in lower fuel consumption.

***Recommendation 3. We recommend that there should be a more rigorous application of existing health and safety at work law to on-the-road work activities, including occupational driving.***

### *What this would mean in practice*

33. The HSW Act sets out general duties of employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees; and for employers and the self-employed to minimise risks to those not in their employment. The Management Regulations build on the HSW Act, setting out broad duties on employers, the self-employed and employees. In short, employers would need to ensure that systems are in place to manage at-work road risk and that the action they take is in proportion to that risk and cover not only regular drivers but those who drive only occasionally on company business and those who are employed to work on or by roads. We know that some employers, usually larger companies, are already taking action in this area. We suspect that much more can be done. Arrangements appear often to be ad hoc, for example the provision of driver training but without follow-up performance monitoring. We would like to see them adopt a more systematic approach to the management of at-work road risk.

34. In effect, what we are recommending is that the framework of health and safety law be applied more overtly to all work activity on the road and that health and safety inspectors get involved in appropriate enforcement action when failures in health and safety management are brought to their attention by road safety enforcing authorities. Employers should ensure that their policy, organisation and arrangements for health and safety are extended so as to reduce risks faced and created by their employees who drive or work on or by the road.

35. In our Discussion Document, we summarised the role employers would have to manage at-work road safety. It is worth repeating that paragraph here:

“The first step is to assess the risks to their employees from the activities carried out at work, by identifying hazards and who might be harmed, and then evaluating the risks and assessing whether existing precautions are adequate. Where more needs to be done, employers and the self-employed need to apply the following principles of prevention:

- if possible, avoid the risk altogether, eg by doing the work in another way. For occupational driving, this would mean considering whether alternatives to the journey or type of travel exist;
- tackle risks at source rather than taking superficial short term action, eg by giving thought to work scheduling to restrict long hours, choosing vehicles carefully and maintaining them conscientiously, specifying safe routes for journeys and so on;
- selecting drivers who are entitled to drive the vehicle, ensuring that they and those working on or by roads are competent to do so, for example through driver assessment, providing them with the right amount of information, training and instruction to enable them to drive or work safely;
- involving employees and their representatives in identifying and putting in place control and other measures;
- clarifying the roles and responsibilities of all in the management chain from directors to the individual employee; setting standards of what behaviour is expected;
- crucially, putting in place measures to review experience and take further action where necessary. This creates a loop of continuous improvement and a greater likelihood of improving the health and safety culture within firms; and
- ensuring that the systems apply equally to those who drive for work only occasionally.”

36. The great majority of respondents were in favour of this approach. Many argued that it should not be too onerous for employers to extend their existing health and safety systems in this way. A significant minority, however, mainly representing the small firms' sector, did voice concerns about

the potential burden on business. They saw difficulty in assessing risks, being able to put in place realistic measures to encourage employees to act properly when away from their place of work and were concerned about costs connected with training and any duty to report incidents.

37. The Task Group recognises these concerns and it is important that the measures we recommend are reasonable and take account of the views of business. However, we would argue that what we propose would not be burdensome. Indeed, quite the reverse. The effective management of at-work road risk should benefit business. Having key people unnecessarily injured and off work or vehicles off the road cannot be in anyone's interests. What will be important is a clear explanation of the action required by employers. An assessment of the risks arising from driving activities or from employees working on or by roads will be key. That will help employers identify what proportionate action to take in those particular circumstances: a blanket one-size-fits-all approach is not appropriate.

38. While we recommend action by employers, we must remember that drivers, while behind the wheel of a vehicle, remain responsible for their own and others' safety on the road. Drivers must comply with the Road Traffic Acts and the Highway Code. And under the HSW Act, they should co-operate with their employer to enable the employer to comply with their health and safety duties; they should take reasonable care of their own health and safety and that of others who might be affected by their actions; and they should use equipment provided to them correctly. These principles apply equally to those who work on or by roads.

***Recommendation 4. We recommend that, based on their risk assessment, employers should include measures to manage at-work road safety within their existing health and safety management systems, consulting employees and their representatives as necessary. Employees should co-operate with their employer to enable them to comply with their statutory duties; and they should take reasonable care of their own health and safety and that of others affected by their actions.***

## **Effecting change**

### *Awareness raising*

39. Action will be needed to ensure that employers are aware of this change of policy. It will be important, therefore, that a communications strategy be developed to raise awareness about this change of policy. Both DTLR and HSE have run many successful publicity campaigns over the years and have a wealth of experience. What perhaps is new here is the opportunity their partnership has in gathering in other players from both the road safety and health and safety networks in a concerted effort to spread the message, using all manner of media now available. Such a campaign could be linked to DTLR's existing *Think!* publicity initiative. Its timing will depend on the actions taken by Government and the Health and Safety Commission in response to this report and on other priority programmes already in place. We would urge action as soon as possible, to coincide with the publication of generic guidance by HSE (see below).

40. We included in our Discussion Document case studies to illustrate how three firms put in place working practices to manage at-work road risk and the benefits accruing. We repeat them here to underline the business case for employers to take action:

NEWS Transport, a road haulier operating 10 large goods vehicles and five cars carried out an assessment in 1990 of their accident, repair and associated costs. They found these to be around £64,000 and set about putting in place measures to reduce these overheads. They introduced a structured one-to-one driver training programme, added vehicle safety measures and better managed driving schedules. As a result, they have enjoyed nine continuous years of no insurance claims, less garage down time and seen the residual value of their vehicles maximised.
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Bell and Howell, a document management company, ran a fleet of 250 vehicles when, in the early 90s, they conducted a review of their accident claims history. They found that many of their 180 claims were for fairly minor collisions that nonetheless amounted to a hefty insurance bill. They introduced measures to increase individual choice of vehicle and more responsibility for bearing the cost when drivers were found to be at fault, supported by driver training. This programme increased the sense of ownership of employees towards their vehicles. Five years after the programme was introduced, claims fell from £812 per vehicle to £211 per vehicle.

During the 1980s, Leo Pharmaceuticals experienced mounting insurance costs from its fleet of 170 vehicles. In response they initiated better driver training, greater employee education and individual responsibility, gained senior management commitment and resources, appropriate vehicle selection criteria and regular servicing and maintenance. The effect was dramatic. For example, over a three-year period, £35,000 was saved in insurance premiums. A much improved fleet safety culture has raised standards all round and line managers are able to monitor performance not least through petrol consumption, tyre and brake wear and general repair bills.

***Recommendation 5. We recommend that HSE should lead a public information campaign, in concert with DTLR and others, to alert employers that their occupational health and safety risk management systems should cover at-work road safety.***

#### *The provision of information*

41. The reference to the work of the Task Group in the Government's Road Safety Strategy included a passage relating to publishing an 'Occupational Highway Code', as a supplement to the main Highway Code. Early in our discussions we concluded that this was not the best way forward. The Highway Code is targeted at individuals; we felt we needed a core document more aligned to health and safety management systems, aimed primarily at employers (with supporting literature for others).

42. We asked people for their views. The majority of respondents thought that an HSE Approved Code of Practice (ACoP), with its particular legal status, would have the necessary weight to encourage employers to act. Others, principally from the business community, wanted the greater degree of flexibility that generic guidance could bring, arguing that not enough was yet known about the true scale of the problem and what employers could be required to do. Some argued for a mixture of approaches.

43. The Task Group considered this issue at length. The argument is finely balanced between ACoP and guidance. We want employers to manage road risk better but are conscious of the strength of feeling against an overly regulatory response. We therefore recommend that HSE publishes guidance for employers in the first instance. The lack of hard data makes it difficult to justify a more prescriptive approach and guidance allows for the easier marriage of requirements under health and safety and road safety laws. In addition, the effectiveness of management interventions has yet to be properly established. And, of course, an ACoP would be subject to consultative arrangements with no guarantee that it would meet HSC's criteria for publication. In the short term, guidance offers a quicker tool to bring about change.

44. However, we do not rule out an ACoP at a later date. Indeed we feel that HSE should review the impact of its guidance in Spring 2004. In the light of results from that, in particular assessing the action employers have taken to manage road risk, and from new research findings, assess whether an ACoP should be prepared for public consultation. For the present, however, we need to bear in mind that the big change being proposed here is the application of health and safety at work law to on-the-road work activities. Getting the message across and securing management commitment are arguably more important than the status of the core document.

***Recommendation 6. We recommend that HSE, in consultation with stakeholders and as soon as possible, should develop generic guidance for employers and others on how to manage at-work road safety. HSE should review the impact of its guidance in Spring 2004, to determine whether to recommend the production of an HSC Approved Code of Practice on the issue.***

#### *Content of the guidance*

45. One of the terms of reference for the Task Group is to propose standards for employers to apply in connection with at-work road safety. To satisfy this, we have prepared, at annex 5, an outline of what the guidance to employers might cover. The key issues are that an employer, in consultation with their workforce, should set an at-work road safety policy, put management arrangements in place, assess risk, take preventive measures, communicate with their employees so securing their cooperation and commitment, ensure that employees are competent to do what is being asked of them, and learn from experience so that information can be fed back to make sure the policy and procedures are working.

46. The outline guidance is aimed primarily at employers. It seeks to bring together key requirements under health and safety law with those under road traffic law and to make clear what is legally required and what is guidance only. Much of it is straightforward, for example looking at journey purpose and timing; making sure vehicles are well maintained; not setting schedules that mean workers have to speed or drive for overly long periods; taking account of the potential effects of atypical work patterns such as shift or night working; making sure drivers are qualified to drive and are suitably trained to do what is being asked of them; investigating incidents; monitoring performance and so on. We would expect the guidance to cover these and other issues in a systematic way to help employers consider what action they need to take. And to ensure there is a correct balance between the employer's responsibilities and those of employees, we would expect separate guidance to be prepared for workers.

#### *Other guidance*

47. Guidance for small firms should also be considered to set out in straightforward terms what employers running very small fleets of vehicles should do and why they should do it. Case studies showing how firms have actually tackled at-work road safety and the benefits arising would be a powerful tool to persuade other employers to act. And guidance targeted at specific sectors would be useful, drafted by the industry sectors themselves, drawing on the core HSE document (an example might be road haulage where these health and safety requirements, and the risk management philosophy that underpins them, could be subsumed into their existing guidance to drivers on road safety regulations). The contractual relationships and responsibilities for health and safety between employers and fleet car suppliers, other contractors, the status of the apparently self-employed; and responsibilities towards those who drive their own vehicles for work purposes need to be clearly explained.

48. In drawing up the core document, we would ask HSE to ensure that the views of those who responded to the Discussion Document be taken into account. A number of very useful suggestions were made for the core document, for any supporting literature and means to promote messages, for example through trade associations.

***Recommendation 7. We recommend that, subsequent to the publication of generic HSE guidance, HSE and other appropriate bodies should consider the production of subsidiary guidance for specific sectors and for small firms and include case studies.***

#### *Training and testing occupational drivers*

49. The Government's Road Safety Strategy emphasises the role of better training and more thorough testing to improve driving. The Driving Standards Agency (DSA) has been given a wider

role to set standards, assure the quality of training, and improve assessment for all types of driver and rider, including professionals and their employers. Their initiatives include:

- bringing forward schemes for better driving standards for lorry and bus drivers, using powers in the Transport Act 2000;
- rationalising the arrangements for training, testing and supervising all instructors, with detailed provisions for the different sectors;
- developing national occupational standards for drivers in the freight and passenger transport industries;
- undertaking driver quality monitoring projects for bus companies, and providing driving tests for local authorities exercising the local taxi licensing function;
- working with driver training interests and industry groups to set standards for riders in the despatch and fast-food delivery sectors;
- developing an occupational driver appraisal service;
- working with the emergency services to develop standards for those driving under “blue lights”.

#### *Respondents' views*

50. Of the issues raised in our Discussion Document, training and testing elicited the widest range of views. Many thought there should be much more prescription, arguing that occupational drivers should be subject to more rigorous standards than the leisure driver. Some thought that employers should ensure that all their drivers should undergo regular driver training courses, particularly those who drove long distances. Some suggested different licence requirements, for example that those on a provisional licence, typically pizza delivery riders, should no longer be employed without a full licence. On the other hand, some strongly held the view that passing the driving test was adequate; anything additional was a matter for the employer.

#### *Application of health and safety law*

51. The Task Group looked to the requirements of existing health and safety law. The Management Regulations make it clear that an employer has a duty, based on risk assessment, to ensure that employees are competent to carry out the tasks they have been asked to do. In an at-work road safety context, we would take this to mean that an employer must consider the training requirements of their employees before employees are asked to drive a vehicle, ride a motorcycle or work by the road as part of their job.

52. This assessment should take into account the type of vehicle to be driven, the nature of the journey and the experience of the driver. This helps to target the effort and cost of training and allows for flexibility. We support the argument put to us that employers should review an employee's competence to drive a vehicle on a regular basis throughout the time they are employed, particularly where employees have been involved in road traffic incidents. This approach applies equally to those working on or by roads.

53. There are many types of at-work driving and the Task Group does not recommend any specific changes to the driver licensing regime. We believe it neither necessary nor desirable to recommend an occupational driving test, a specific driver licence for regular occupational drivers, or mandatory re-tests.

***Recommendation 8. We recommend that, based on their risk assessment, employers should ensure that their employees are competent to drive, or work on or by roads, safely. A specific driving test for occupational drivers, beyond what is already required by law, is not recommended.***

#### *Management training*

54. While taking steps to improve the competence of workers who drive or work on or by roads safely is important, there is likely to be an equal need for managers also to receive training to

understand better the issues involved. This is particularly important in this context as the focus of a transport manager is often more likely to be on running an efficient fleet rather than in taking account of broader health and safety issues connected with driving the vehicle. Similarly, we have some evidence that managers do not always consider the health and safety implications of sending workers out of the workplace to work. Better management training can help to overcome this. We know that HSE is making efforts to influence the content of management training courses in relation to health and safety issues. At-work road safety should be included in the issues to be covered.

***Recommendation 9. We recommend that HSE should seek to influence management training providers to include at-work road safety risk management issues within management courses that address health and safety.***

#### *Incentives*

55. In our discussion exercise, we asked for people's views on what incentives/disincentives they thought might help to get employers to manage at-work road safety. Within companies themselves, many thought that linking individual reward to safe driving was one way while, on the flip side, others thought that penalising individuals for incidents could have an effect. Many called for more enforcement by the police. The insurance industry was identified as having the potential for playing a bigger role in linking premiums to the road safety record of the firm. Others looked to HSE or Government generally to offer grants and subsidies to employers, for example to fund driver training.

56. This is a difficult issue and not new. The research evidence suggests that carrots and sticks are not terribly effective and that a broader approach based on a strong safety culture is more likely to succeed. And of course, the insurance industry operates in a highly competitive market and is sensitive to wider Government policies and global developments. Some insurers currently help companies assess driver training and can offer risk management packages. On incentives, it is not uncommon for premiums to reflect reduced claims although in reality this means that annual rises tend to level out rather than decline.

57. Nevertheless, we feel that more could be done and we know that HSE and others have been trying for many years to get the insurance industry more involved in health and safety issues. We conclude that any recommendation in this area should be linked with initiatives already underway as part of the *Revitalising Health and Safety* initiative. Action point 5 of *Revitalising* states "HSC will consider how best to involve the insurance industry in its work" and research has been commissioned to examine how companies' health and safety performance is influenced through performance-related insurance costs. This touches on motor costs. Action point 26 states "HSC will advise Ministers on the design of a grant scheme to encourage investment by small firms in better health and safety managements". We understand that options will emerge shortly for taking this forward. Rather than set off down a separate track, we think it better that those running these projects include at-work road safety in their considerations.

***Recommendation 10. We recommend that HSC/E, in implementing Action point 5 (involving the insurance industry) and Action point 26 (designing a grant scheme for small businesses) of the Revitalising Health and Safety initiative, should include at-work road safety in their considerations.***

#### *Government as exemplar*

58. *Revitalising* also recognises that Government itself can do more to improve its own performance as an employer. We see no reason why this should not extend to examining its own policies and practices in relation to at-work road safety. The Civil Service runs or leases large car fleets and sends employees out to work on or by roads. Through the up and running High Level Forum, they should be encouraged to review procedures, improve performance and share good practice. This should extend beyond the Civil Service into other public bodies that operate vehicle fleets.

***Recommendation 11. We recommend that the DTLR/HSE-led High Level Forum, providing leadership on health and safety management issues within the Civil Service, should consider at-work road safety within its deliberations.***

59. More generally, over time, we would expect to see at-work road safety brought more explicitly within other projects taking forward the *Revitalising* programme. The scope of developing specific targets for reducing at-work road traffic incidents, and aligning them to *Revitalising*, will need to be considered.

### **Reporting arrangements**

60. As the policy has been not to apply health and safety law to on-the-road work activities, except in limited circumstances, employers have not had to report incidents to the health and safety enforcing authorities. In our Discussion Document, we asked for views on whether they should. A very great majority were in favour, arguing that it would be inconsistent to apply existing health and safety law but not to seek to amend existing arrangements under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). At present, these require a 'responsible person', usually the employer or self-employed person, to notify HSE or local authorities of certain serious incidents occurring at work, including deaths; major injuries to workers and members of the public; where someone is off work for more than three days because of an injury caused by an incident; certain dangerous occurrences; and certain diseases that might be linked to the work the employee is doing.

61. A significant minority of respondents, mainly those representing employer interests, were opposed as they felt reporting would add unnecessary burdens on business. While we understand these concerns, it seems unjustifiable to exclude them from RIDDOR. We believe it is essential for the enforcing authorities to be able to build up statistical database and use reports to target investigations. We do not believe it will be too burdensome on individual firms, particularly given new simplified reporting arrangements. Indeed it should help to raise employers' awareness of the issue, particularly in the light of progress made on the development of proposed regulations to require employers to investigate RIDDOR reportable incidents.

62. It will be a different matter for the enforcing authorities who will have to handle a potentially very sizable increase in the number of reports. However, we do not feel that this is strong enough argument for excluding at-work road traffic incidents from the scope of RIDDOR. The regulations are due for review in 2003/04, offering the opportunity for such an amendment. Careful thought will need to be given to the types of at-work road traffic incidents to be reported and to ensure that arrangements dovetail with, rather than duplicate other existing reporting requirements. In the meantime, HSE guidance should include advice to employers about establishing arrangements within their organisations for reporting at-work road traffic incidents; and their subsequent investigation.

***Recommendation 12. We recommend that at the next review of the RIDDOR regulations, HSE should consider how at-work road traffic incidents involving fatalities, major and over 3-day injuries should be reported to the enforcing authorities.***

### **Compliance**

63. We have already referred to the role and responsibilities of those organisations responsible for enforcing road safety law (paragraphs 27-28) and that it should continue to be the case that the police take the lead in attending road traffic incidents to conduct an initial investigation. We do not have any desire for the health and safety enforcing authorities to act as some form of additional emergency service in this context. What we do want to see is their greater involvement in bringing their expertise to bear where the police (or other agency such as the Traffic Commissioners or the Vehicle Inspectorate) have good evidence to believe that an employer's failure to manage at-work road safety appropriately was a significant contributory factor to a road traffic incident involving someone at

work. We would expect in due course to see health and safety inspectors making enquiries about occupational road safety management based on the HSE-led guidance.

#### *Establishing liaison arrangements*

64. Establishing the triggers as to when the Police (and others) refer cases for further investigation is not a simple matter and protocols will need to be developed. Effective liaison arrangements will be crucial both in terms of taking action in a logical and structured manner and to satisfy the public that systems are in place to take the right enforcement action.

65. Such liaison arrangements already exist between the Police, HSE and the Crown Prosecution Service/Procurator Fiscal in the investigation of workplace fatalities; there is a multi-agency memorandum of understanding in respect of road maintenance on the public highways; and an agency agreement has recently been drawn up between HSE and the Vehicle Inspectorate in undertaking enforcement action under the Carriage of Dangerous Goods Regulations. These agreements offer a template for the way forward. They can be built upon and new ones created, where necessary.

66. The Task Group recognises the challenge: the chosen mechanism must be one that ring fences on-the-road investigation to the Police; is not an administrative burden; and ensures that the health and safety enforcing authorities' role is related only to the underlying management issues. Ideally, the arrangements should not be restricted solely to incident investigation but include agreements by which the enforcing authorities can work together on taking preventive action. Certainly there was a desire from respondents to our Discussion Document that the arrangements should be as straightforward as possible, avoid unnecessary and expensive duplication of effort and offer an opportunity to educate as well as punish.

67. We have no blueprint for the mechanisms that would trigger the enforcing authorities to work together. We have commissioned research to get a better understanding of roles and responsibilities, existing relationships and to highlight the considerations. The findings can be fed into any continuing work on this issue. This cannot be rushed and it is important that all the players, led by HSE, should work together to develop procedures that will work on the ground.

#### *The Health and Safety (Enforcing Authorities) Regulations 1998*

68. Any expansion of the role and responsibilities of HSE and local authorities, and the development of supporting liaison structures with other enforcers, has significant implications. We consider resourcing and timing at the end of our report but it is worth noting here that the Enforcing Authorities Regulations, which determine the enforcement allocation for HSE and local authorities, are currently under review. If the proposal to alter allocation from one based on premises to one based on type of business activity takes place, local authorities will have a greater role to play in enforcing health and safety law in relation to certain activities on the public highway.

***Recommendation 13. We recommend that the various health and safety and road safety enforcing authorities, led by HSE, should develop ways of working to investigate at-work road traffic incidents and take appropriate enforcement action; and to adopt a coordinated approach to preventive activity.***

#### *Other compliance measures*

69. While the primary focus of the Task Group has been on how the existing health and safety regime and risk management principles can be brought to bear on at-work road safety, we feel it would be a missed opportunity if we failed to recommend action in other, connected areas.

70. First, the Traffic Commissioners have an established and effective role in ensuring the safe operation of large goods vehicles, buses and coaches – the “O” licensing scheme. In considering

applications for licences, they are required to be satisfied about the arrangements for keeping vehicles well maintained and operating within the law. Second, the Vehicle Inspectorate has a key role in enforcing compliance with road safety legislation in this sector: they can prohibit vehicles from being used, prosecute drivers and operators who commit serious offences and recommend to the Commissioners that action should be considered against operators. Both these organisations, therefore, already have access to certain employers.

71. There seems here to be a chance for closer liaison. Named bodies, for example the Police and local authorities, can object to the Traffic Commissioners about the granting of a licence. HSE could also be given these powers, providing reports, for example on enforcement action, to Traffic Commissioners. And in relation to the Vehicle Inspectorate, we would expect there to be the prospect to exchange information with the health and safety enforcing authorities about unsafe employer practices, not least arising out of visits to firms.

***Recommendation 14. We recommend that further work should be carried out to explore whether HSE be given the power to object to the granting and monitoring of operator licences, and whether they should be encouraged to report to the Traffic Commissioners and others any malpractices in regard to health and safety matters by existing licence holders.***

72. In our Discussion Document, we raised the issue of whether O licensing should be extended to include lighter commercial vehicles. The information we have on mechanical failures among light goods vehicles (showing a higher percentage rate of failure than large goods or public service vehicles), suggests that there is an issue here that needs closer examination. We have not had the time to explore this in any great depth and feel that DTLR and appropriate agencies should carry out a feasibility study.

***Recommendation 15. We recommend that DTLR and appropriate agencies should conduct further work to look into how best to improve the safety of the operation of light goods vehicles, for example through a modified operator licensing system.***

73. In a similar vein, the Task Group, in looking at the extensive powers that the police, often through the services of the vehicle inspectorate, already have the power to take action against employers. The Task Group believes that more perhaps could be done by them to prosecute employers who contravene road traffic law. We recognise the challenges the police face in juggling their resources and that road policing may not be at the top of the list of their priorities. However, we feel that an approach should be made to police forces to explore what opportunities exist.

***Recommendation 16. We recommend that police authorities/chief constables should use their powers to pursue employers who fail to meet their responsibilities under road traffic law, taking prosecutions against them as appropriate.***

## **Taking the work forward**

### *Developing partnerships*

74. Campaigning organisations such as RoSPA and Brake have already produced guidance on at-work road safety and transport unions have been active in their attempts to improve the working conditions of their members. A number of local authorities have been taking steps to raise awareness of at-work road safety. And we know from our discussion exercise that there are many networks, both road safety and health and safety, that could and should be encouraged to work together to raise awareness to ensure our recommendations are taken forward effectively. Many groups are already taking voluntary action – see annex 6 for a small sample. They are starting points. These types of partnerships need to be encouraged to develop further, for example to prepare sector specific advice and case studies, the promotion of good practice, including benchmarking, the development of award schemes and so on.

### *Establishing a standing body*

75. The work of the Task Group itself finishes with the submission of this report. It is essential that a similar body is charged with taking forward our recommendations, once the Government/HSC response is known. We believe the body should fall under HSE's leadership and draw in as many stakeholders as possible, from business (large and small), employee representative bodies, road transport, road safety, health and safety, the insurance industry and appropriate Government and non-Government organisations. Their work should feed into the delivery of the Government's Road Safety Strategy, currently overseen by the Road Safety Advisory Panel, and, in time, to the *Revitalising Health and Safety* initiative. We would expect to see a first progress report in Spring 2004.

***Recommendation 17. We recommend that an appropriate standing body should be charged with taking forward the recommendations in this report and monitoring their implementation, preparing a first update on progress to Ministers and HSC in Spring 2004.***

### *Resources and timing*

76. The Regulatory Impact Assessment (annex 4) points to the potential cost savings that better management of at-work road risk could bring. The role of the enforcing authorities, with HSE to the fore, will be crucial in bringing about change. We are aware that they and other Government agencies are under pressure to deliver existing programmes of work that already stretch their resources. We do not believe that it is for the Task Group to assess the funding that that should be set aside to implement these recommendations but we believe that Government and HSC should make the necessary resources available.

77. This initiative, if given the right level of support, is likely to make a significant contribution to meeting the Government's target on reducing road casualties. But money must be there to pay for preventive action such as publicity initiatives, the provision of information, the development of closer partnership working, complaint and report handling, enforcement work and training issues. The Task Group believes that considerable societal savings can be made, dwarfing the added funding to enforcing authorities that might be necessary.

***Recommendation 18. We recommend that Government and HSC should consider what resources are appropriate to implement these recommendations.***

78. On the timing for implementing these measures, the Task Group believes that the early provision of advice to employers, supported by a publicity campaign is the first important step. The existing research programme should be reviewed and expanded upon as soon as possible. The development of well thought through liaison arrangements between the enforcing authorities in relation to preventive and investigative work will take longer but we would expect something to be in place to coincide with the reviews of RIDDOR and the Health and Safety (Enforcing Authorities) Regulations 1998 in 2003/4. However, interim arrangements will need to be developed to handle the reactive work that will arise from wider knowledge about the role of HSE and local authorities and the application of health and safety law to on-the-road work activities.

### **Conclusion**

79. There is increasing expectation that more should be done to introduce risk management techniques into the management of at-work road safety, fuelled not least by the work of the Task Group and Government/HSC's commitment to do more in this area of risk. The Task Group believes that the evidence, although not wholly robust, is sufficiently clear to justify early action. This report provides a framework and impetus to begin that work, offering a unique opportunity to bring together the health and safety and road safety communities in a joint venture that should see a reduction in the heavy cost of at-work road traffic incidents and, ultimately, save lives.

**Membership of the Task Group** comprises:

**Richard Dykes**, formerly Group Managing Director, Mail Services, Consignia (Chairman)  
**Michael Messinger**, Commander, Metropolitan Police  
**David Strang**, Assistant Chief Constable, Lothian and Borders Police (ACPO - Scotland)  
**Alastair Jefford**, Kent County Council, representing local authorities as highway authorities  
**Rod Denley-Jones**, representing local authorities as health and safety enforcing authorities  
**Paul Butler**, Head of Policy, Driving Standards Agency  
**David Dixon**, Traffic Commissioner, Wales and West Midlands  
**Steven Salmon**, Operations Director, Confederation of Passenger Transport UK  
**John Lyons**, Group Safety Adviser, British Telecom, representing employer interests  
**Ross Chadwick**, Safety Adviser, Power Gen UK plc, representing employer interests  
**Geoff Dunning**, Road Haulage Association  
**Graham Stevenson**, Transport & General Workers Union representing workers' interests  
**Tom Mellish**, Policy Officer, TUC, representing workers' interests  
**Roger Bibbings**, Occupational Safety Adviser, RoSPA  
**Robert Doughty**, Chairman, the Despatch Association, representing the Advisory Group on Motorcycling  
**Don McIntyre**, representing the interests of the freight transport sector, subsequently **Don Armour**  
**John Lepine**, representing the Motorists' Forum  
**Alan Brown**, Head of Road Safety, Scottish Executive  
**Meryl James**, the National Assembly for Wales  
**Hugh Edwards**, Vehicle Inspectorate  
**Mary Williams OBE**, Chief Executive, Brake and the Fleet Safety Forum  
**Ron Munro**, Zurich Commercial, representing the insurance industry  
**Di Rees**, Leo Pharmaceuticals, representing the Association of Car Fleet Operators  
**Carol Hopkins**, Aston University  
**Richard Clifton**, Head of Transport Safety Division, HSE  
**Norman Swain**, Head of Safety Unit, Field Operations Directorate, HSE  
**Roger Peal**, Head of Road Safety Division, DTLR  
**Beth Ann Bostock**, Head of Road Haulage Division, DTLR  
**Les Philpott**, Safety Policy Directorate, HSE (Secretary), until 5/01, subsequently **Sharan Bains**  
**Eddie Bailey**, Safety Policy Directorate, HSE (Secretariat)  
**Anne Gloor**, Safety Policy Directorate, HSE (Secretariat)

### Summary of responses to the Discussion Exercise

The Work-related Road Safety Task Group's Discussion Document on *Preventing at-work road traffic incidents* was published on 1 March. The consultation period ended on 25 May 2001. In all, about 5000 copies of the Document were distributed. 256 responses were received, 41% of which came from companies or employer organisations, 15% from local authorities, 10% from public organisations 7% from voluntary bodies, 5% from unions, 19% from health and safety consultants or private individuals.

#### Taking action to reduce the incidence of at-work road traffic incidents

While recognising that more knowledge was needed to improve understanding especially in relation to incident causation, Question 1 asked respondents whether action needed to be taken to reduce the number of at-work road traffic incidents and if so, what should be done. Key points were:

- although some were highly guarded in their comments, no respondent said that no action should be taken even if it was only further research;
- the majority felt that employers could indeed do more, for example by introducing policies and procedures or by greater prescription including more enforcement;
- some were not persuaded that HSC/E's role should be extended into the already highly regulated areas. Others felt that it was wrong to single out the occupational driver for particular attention;
- many respondents felt that the statistics were weak and so inhibited forceful action;
- important to get the balance right between the employer and the employee. Factors leading to road incidents were often beyond the control of the employer;
- a number of responses called for restrictions on driver hours, limits on miles driven per day, or the avoidance of long driving periods including more rest breaks;
- there was a call for clear definitions of terminology.

#### Central proposition: applying health and safety management systems to at-work road risk

The central proposition of the Task Group was that employers should manage at-work road risk within the framework they should already have in place for managing all other occupational health and safety risks. Question 2 asked respondents whether they felt such systems could reduce at-work road traffic incidents. Key points were:

- 92% were in favour of the proposition although many included caveats when making practical suggestions on what the systems might comprise;
- the risk management approach laid down in the HSW etc Act 1974 and the Management Regulations 1999 was seen as the best way to proceed, beginning with effective risk assessments and becoming part of an employer's safe system of work;
- concern about the potential burden on (small) businesses in carrying out risk assessments.

#### Training and testing

Question 3 asked respondents whether they thought there should be specific training and/or testing for occupational drivers/riders. Key points were:

- of those responding, 87% were in favour of some form of training of those driving while at work;
- some respondents were split, arguing for training but against testing;
- range of views on what training should comprise, its status and when it should be undertaken;

- majority saw the trigger being linked to the employer's risk assessment. A blanket approach was generally regarded as neither efficient nor effective.
- some saw a need to differentiate between those who drove regularly as part of their job and occasional vehicle users.
- essential to maintain training regimes: one-off sessions were not considered adequate
- issues such as avoiding fatigue, road rage and other stressors were considered important.
- some were concerned about health, fitness and ability to drive issues. Several respondents urged that driver credentials be checked much more thoroughly at the pre-employment stage.
- some argued that the driving test itself signalled a satisfactory degree of competence. Training for many drivers was unnecessary; an untargeted approach would be costly.

### **Implementing change**

Question 4 sought views on the best way to influence employers to take action: whether an HSE Approved Code of Practice was the preferred document to bring about change, guidance under the Highway Code Explained series was preferable, whether HSE generic guidance offered the best solution or whether respondents had other ideas. Four-fifths answered the question, 44% preferring an HSE ACoP, a quarter guidance, 13% some form of a mix, 6% a guide followed by an ACoP, 5% something linked to the Highway Code and 4% nothing. Key points were:

- ACoP supporters saw it as the only means to get employers to act;
- others felt that this was too heavy a hand, in particular given the lack of understanding of the scale and nature of the problem;
- many called for flexibility;
- split of opinion between employers and their representative groups and the trades unions and health and safety professionals. The majority of employers preferred guidance, if anything, while unions and specialists opted for an ACoP.

### **Content of the core document**

The Discussion Document included an annex setting out a suggested content of the ACoP/guidance. Question 5 asked whether its content was comprehensive and, if they thought not, to offer suggestions for addition or omissions. Many suggestions were received, prominent among them:

- more linkages to the requirements under road traffic legislation
- checking driver credentials more rigorously
- dealing with atypical drivers (agency, own vehicle drivers etc)
- more on dealing with weather extremes
- something on the uses of modern in-car technology
- more on post crash management.

### **Getting messages over to employers, particularly SMEs**

Question 6 sought ideas about how to raise the awareness of employers to take action. Key points were:

- many felt that the insurance industry could play much more of a role in tying insurance premiums more closely to company performance;
- others called for tax/VAT breaks or that HSE should give grants and provide training;
- important to argue the cost benefit case;
- sustained public awareness campaigns, using all types of media, were mentioned by many;
- award schemes for effective road risk management or using supply chain pressure to try to ratchet up overall levels of performance with larger organisations giving a lead, sharing best practice;
- others preferred a more prescriptive approach.

## **Compliance**

The extent to which, and the ability of the State to monitor and enforce any new arrangements to apply health and safety law to on-the-road work activities, are key strands to securing improvements. Question 7 asked for views on what the arrangements might comprise. Key points were:

- general agreement that the initial investigation of a road traffic incident should remain with the Police. HSE/LAs could continue the investigation at the employer's premises;
- the STATS 19 report form should be amended to ensure that the Police asked questions about whether the journey was work-related;
- some felt that the Police themselves could use their existing powers more; or that the Traffic Commissioners and the Vehicle Inspectorate could play a prominent role;
- some supported the extension of the O licensing regime to light goods vehicles;
- there would need to be clarity between the parties as to their roles and responsibilities.

## **Reporting arrangements**

Question 8 asked whether employers should be obliged to report at-work road traffic incidents and if so what should be reported and to whom. Of those who replied, 90% said they should. Key points were:

- the great majority called for an extension of the RIDDOR reporting;
- significant opposition from those representing small business - increased bureaucracy would be burdensome; duplication should be avoided;
- enforcing authorities had reservations over resources.

## **Further action**

Finally question 9 asked respondents what additional measures they would like to see in support of efforts to encourage employers to manage at-work road safety. Key points were:

- more research;
- a publicity campaign, supported by an array of publications, in different media, targeted at specific audiences;
- road safety competitions, roadshows and good driver schemes;
- concern about resources available to enforcers - adequate Government funding essential.
- need for system to monitor and evaluate any changes arising from the Task Group's work.

A fuller summary can be found on HSE's website.

### Summary of research

#### Quantification of at-work road traffic incidents – BSG (shortly to be published), for HSE

Quantification was from four sources:

- an analysis of the ONS database compiled from coroners' returns. Coroners can code whether the deceased was at work at the time of the incident. BSG found that an average of 716 fatalities for the years they examined involved one or more commercial vehicles (trucks, buses, coaches, taxis), 23% of the total number of fatalities. It was not possible to identify car drivers who were at work when the incident occurs so this is a significant underestimate;
- an analysis of confidential data supplied by insurance companies, representing 10% of all fleet vehicles. The results indicated an estimate of almost 12,000 serious incidents involving fleet cars at work and 3,000 involving commercial vehicles. Data from one fleet insurer showed a 60% reduction in third party claims following the introduction of driver training;
- a specially commissioned survey of road traffic incidents in four police force areas. Questions were asked about journey purpose. The findings suggested that 30% of all serious and fatal incidents involved someone at work (but these figures need to be treated with caution);
- a re-working of a study undertaken for Cambridgeshire County Council of drivers involved in incidents on A roads indicated that 24% of drivers were at work at the time.

Taken together, the researchers estimate that between a quarter and a third of road traffic incidents involve someone who was at work at the time, be they the drivers themselves, passengers or members of the public hit by an at-work vehicle.

#### **A sample of published research**

##### The Safety of Fleet Car Drivers – Transport Research Laboratories (1999) for DTLR

The aim of the research was to examine evidence for a fleet driver effect, ie to see whether fleet car drivers experienced more crashes than the average driver, the factors contributing to incidents and the measures that could be employed to reduce the effect.

The research found that 2<sup>1</sup>/<sub>4</sub> million cars are company owned and over half of all new cars sold each year are registered in a company's name. The fleet driver population is diverse from those who need a car to fulfil their job function to those who receive as a perk. Company car drivers are predominantly male from higher income households, are somewhat younger than average and drive more miles than the private motorist. Even after these factors have been taken into account, there is clear evidence of a fleet driver effect on accident liability. The size of the effect depends on the definition of the fleet driver. One based on car ownership indicates an elevated accident liability of 30% while one based on regular business driving indicates an elevation of 50%. Many reasons have been suggested for this: time pressures, type of vehicle, responsibility but the underlying causation remains poorly understood.

There is no evidence in the literature in the form of scientific controlled studies that conventional fleet driver training is effective in reducing accidents. Other management interventions – incentives, penalties, incident reviews, driver monitoring systems, driver feedback – have been tried and the organisations which said they had achieved most in safety terms were those that had introduced a package of measures based on a strong safety culture.

##### The Accident Liability of Company Drivers – TRL (1998) for DTLR

A questionnaire was mailed to a sample of drivers asking about driving as part of their job. Accident frequencies were compared with a sample of ordinary drivers.

Company car drivers covered twice as many miles as ordinary drivers and had a 50% increased chance of having an accident when differences in demographic and exposure variables have been allowed for. Younger, less experienced drivers had a much greater accident liability than older, experienced drivers. The association between accident liability and number of hours worked was positive but not statistically significant (but the sample was biased to those working regular hours)

#### Work-related accidents in non-professional drivers – University of Nottingham (2000) for HSE

The project explored the types of accidents and near-accidents non-professional drivers were involved in while driving for work purposes. It compared accidents involving own car drivers with company owned vehicles and explored differences between various classes on non-professional drivers.

Overall, drivers of company owned vehicles had more accidents than people driving their own vehicles and there were significant differences between the classes of driver. Those who had the vehicle as a perk and those in sales were at especially high risk. The increased risk of accident remains even when high mileages are taken into account. Those drivers of badged vehicles had the same accident liability as own car drivers, the lowest risk group. The most common reasons for accidents were given as time pressures, general work stress, thinking about work and using mobile phones. Use of a mobile phone while driving was a notably common cause of near-accidents. Despite all the relationships between vehicle type and accident and near-accident liability, there was no clear evidence that driving for business purposes was more dangerous than driving for purposes of commuting or leisure.

#### **Some ongoing research**

##### Work-related road traffic accidents – TRL for DTLR. Completion date 2/02

The research will use a methodology developed by TRL that allows the factors underlying injury accidents to be investigated. It will collect information on the circumstances of the accidents and the type of driving being undertaken with the objective of clarifying the extent to which accidents should be seen as work-related and identifying types of company car driving that are particularly high risk.

##### In-depth study of work-related accidents – Nottingham University for DTLR/HSE. Completion date 3/04

The objectives of this research are to determine the sequential behavioural mechanisms and other relevant factors involved in work-related accidents; and to relate these mechanisms to the incidence of particular factors such as errors, violations or driving styles and by factors such as age, gender, experience type of vehicle, manoeuvre, time and location; and to identify potential countermeasures and estimate their effectiveness.

##### On the spot study – ICE & TRL for DTLR/Highways Agency. Completion date 5/03

The aim of the study is to investigate incidents in order to improve understanding the influences of human involvement, vehicle design and highway design on accident causation and injury mechanisms. Researchers will attend the scene of a sample of accidents in a similar time frame as the emergency services. The researchers expect to collect data on around 500 accidents for the next three years.

##### Work-related road safety – ENTEC for HSE/Scottish Executive. Completion date 11/01

This research has a number of strands: the preparation of case studies showing how 18 British firms have introduced effective road risk management into their organisations; a questionnaire exercise of a sample of Scottish firms; and a literature review of human factors and road safety.

Company vehicle accident reporting systems – University of Huddersfield for DTLR Part 2 to begin Autumn 2001

The aim of this research is to produce a comprehensive review of company accident reporting systems currently employed by organisations and, as a result of the review, to develop best practice recommendations for a system that could be used throughout the UK. Part 1 of the project has been completed which showed wide variation in recording and reporting systems. A proforma reporting system was piloted. Part 2 will involve a longer trial in order to evaluate the system. The data collected will also provide a valuable insight into the nature of at-work road traffic incidents.

Analysis of Police Fatal Road Accident Reports – TRL for DTLR.

An in-depth analysis to determine accidents causation factors. First group of accidents examined looked at motorcycles; large goods vehicles to follow.

DTLR commission an extensive research portfolio of research on general road safety. See their Compendium of Research Projects 2000/01 on <http://www.ha-research.gov.uk/section/index.php?id=4>

## **Initial regulatory impact assessment: Summary from a study conducted by HSE economists**

### **Introduction**

1. Cabinet Office guidance requires the preparation of a Regulatory Impact Assessment (RIA) whenever new regulation, or a significant policy change affecting employers, is proposed. This RIA, prepared by HSE economists on behalf of the Task Group, describes the scale of the issue and compares options for dealing with it. It is intended to provide a broad economic appraisal, so informing future decisions about tackling at-work road safety. Given that this is a new area for HSE, some of the assumptions, and estimates arising from them, should be treated with a degree of caution and further research is needed. Nevertheless this annex provides a summary of the key estimates based on the available evidence<sup>2</sup>. The full version of the RIA will be placed on HSE's website when it has been finalised, providing more detail about the development and analysis of the estimates.

### **The total value of prevention of road accidents in Great Britain**

2. In 1999, 3423 people were killed, 39 122 seriously injured and 277 765 slightly injured. There were also an estimated 3.5 million damage only accidents. DTLR research estimates the *total value of prevention of all road accidents to have been £16.3 billion in 1999*. Of this figure around £10 billion relates to the human costs of the accidents (an amount to reflect pain, grief and suffering). The remaining £6.3 billion contains the cost of lost output as well as damage and medical costs.

### **The scale of 'at work' road traffic accidents**

3. From BSG's work (see annex 3), we use the results of the study into ONS data on road traffic data to estimate the number of commercial vehicles involved in at-work fatalities. The study concluded that 23% of all traffic fatalities involve one or more at-work commercial vehicles. Drawing on other research in relation to motor car involvement in road crashes, the researchers concluded that up to a third of all traffic deaths are likely to involve someone at work. From further calculations using DTLR figures, we estimate a slightly lower involvement in serious injury (29%) and slight injury (24%). Lacking figures, we assume the involvement of at-work vehicles in damage only accidents is the same as that for slight accidents.

### **The costs to society of 'at work' road traffic accidents**

4. Applying these proportions to the costs to society of road accidents, we estimate that those involving 'at work' vehicles cost society a total of £4.4 billion each year. However, less than this number will be in the scope of any proposals aimed at reducing 'at work' road risk as not all actions by the worker could prevent an accident. We therefore reduce our estimate by one sixth, *leaving the costs to society of at-work road accidents estimated at £3.7 billion each year*. This working assumption of a one-sixth reduction will be reviewed in the light of research on accident causation.

### **The costs to employers of 'at work' road traffic accidents**

5. In 1995, HSE estimated the costs to employers of workplace accidents and ill health to be between £3.5 billion and £7.3 billion each year. This excludes costs arising from 'at-work' road traffic accidents, which we estimate to be *in the region of £2.7 billion per year*, in current values. This figure

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<sup>2</sup> Information used in the preparation of this RIA comes from the Business Strategy Group's (BSG) report *Quantification of 'at work' traffic accidents*, the Department of Transport, Local Government and Regions Highways economics note No.1 - 1999, the Road Haulage Association, the Royal Society for the Prevention of Accidents and internal HSE sources.

comprises lost output due to employee absence and temporary loss of vehicle of £550 million, and insurance/damage costs of £2.2 billion (this is not directly comparable with the costs to society above due to differences in method).

### **Business sectors affected**

6. From our research, we estimate that around *10.5 million people at some point drive a licensed road vehicle for business purposes*, comprising approximately 1.5 million full-time commercial drivers and 9 million other business drivers:

- around 112 000 companies operate large goods vehicles, employing around 500 000 drivers;
- about 4 million workers may drive a van occasionally, and some 240 000 for the majority of their time at work;
- assuming two drivers per vehicle, we estimate 160 000 drivers of buses and coaches;
- based on Government transport statistics, we take the number of fleet cars owned and operated by employing organisations to be 2.5 million in 2001, including hire cars. A further 2.8 million vehicles are owned and operated by the self-employed (880 000) or private individuals (1.9 million). Taxi drivers number some 400 000;
- mobile work equipment (including farm vehicles) number 290 000, employing some 340,000 drivers;
- other vehicles, for example crown vehicles, of which there are 15,000.

### **Options considered**

7. For the purposes of this analysis, we identified the following factors that could contribute to an accident, and could be mitigated by a specific management intervention: driver competence, fatigue, vehicle selection and maintenance and alcohol/drugs. We have chosen these because we can draw on existing data and so more readily provide indicative cost savings. Other interventions could be applied and further work would be needed to estimate their cost/benefit balance.

### **Health and safety benefits**

8. Health and safety benefits arise from preventing injuries occurring in at-work road accidents plus a saving from damage and other costs associated with the accidents prevented. We are unable to quantify the exact scale of this benefit, lacking substantial data on accident causation. Instead we look at the contributing factors that cause at-work road accidents. We estimate the proportion of accidents where a particular category of risk, such as fatigue on the part of the at-work driver, contributed to the accident. This indicates the numbers of accidents where action taken to control specific risks may have some effect. The following estimates will be revised in the light of further research into accident causation:

- improved driver competence gives a *potential annual cost saving to society* of around £2.5 billion;
- reduction in fatigue a cost saving of around £750 million;
- better vehicle selection and maintenance a cost saving of £275 million;
- not driving when under the influence of drink or drugs a cost saving of £55 million.

### **Wider benefits**

9. There will also be benefits in the reduction of non ‘at-work’ accidents. For measures such as driver training and increased defensive driving, the benefits of accident reduction are very likely to extend to when the driver is not at work. It is impossible to quantify the exact scale of these benefits, but they could be substantial.

## **Balance of costs against benefits**

10. Drawing on information gathered by HSE on how employers manage road safety, we are able to indicate the balance of cost against benefit in relation to certain management interventions. While we have sought to adjust our findings to take account of the survey's sampling and methodology, these estimates need to be treated with considerable caution and further research is needed in this area. Our highly preliminary estimates are:

- advanced driver training for non-professional drivers would have to prevent 17% of accidents for benefits to society to balance costs. Employers would incur around half the accident costs, so training would have to prevent around one-third of accidents for benefits to employers to balance costs;
- further competency testing in relation to professional drivers would have to prevent around 11% of these accidents for benefits to balance costs rising to 22% in relation to employers;
- induction training would have to prevent 3.5% of accidents for the benefits to society to balance costs, rising to 7% for benefits to employers to balance costs;
- the case for further reducing professional driver hours appears marginal, rather than persuasive. Further action might require legislative backing for it to be widely adopted. This does not mean that action on driver fatigue is unwarranted. The likelihood of fatigue being a factor in an accident will increase at an exponential rate with the length of the journey;
- journey planning with respect to safety would have to prevent around one-third of accidents - two-thirds for employers - for the balance of costs and benefits to be in equilibrium;
- the costs to employers of amending existing policies in relation to alcohol and drugs would be minimal;
- enhanced routine maintenance is highly likely to be worthwhile in cost-benefit terms.

## **Conclusion**

11. Although the estimates in this document are very broad, the economic analysis can be used to indicate to what extent additional action should be taken in a particular area. This document finds a strong economic argument that much action to improve at-work road safety should be addressed by guidance. The overriding argument supporting this conclusion is that, of the costs of these accidents, employers would bear around half of the total cost to society. This is a higher proportion than that relating to costs of other workplace accidents, and arises chiefly because, as far as the employer is concerned, a significant piece of work equipment is often damaged and put out of action. The costs to employers of taking action in the above areas could be expected to result in longer-term financial savings to the company.

12. This conclusion is in line with the fact that good practice is becoming increasingly adopted by companies, a trend we would expect to continue as the costs to companies of accidents involving their drivers becomes more apparent. To this end, further education amongst employers about the true cost to their businesses of at-work road accidents appears warranted. This could take the form of a series of cost/benefit case studies, an approach that HSE has adopted in the past.

## **Outline guidance on managing at-work road safety**

### **What does this guidance cover?**

1. A paragraph explaining the scope of the document: that it applies to all at-work road journeys, that expose workers and/or members of the public to risks from traffic; and other work activities carried out on or near the public highway that expose workers to risks from traffic. It does not apply to normal home to workplace/workplace to home commuting. Guidance is given on managing atypical work patterns that might affect an individual's ability to drive safely.
2. A paragraph about why employers should act: the business, moral and legal arguments. Knock-on effect to better driving in the round, environmental benefits. Reference to employers' duties to have in place safe systems of work and to manage risks properly; to employee-drivers to comply with road traffic legislation; and to employees working on or by roads to do so safely.
3. A standard paragraph about the application of health and safety law to the apparently self-employed.

### **Why employers should act**

4. A paragraph about the legal status for action: extending duties under HSW and the Management Regs to cover on-the-road work activities; duties under road traffic legislation and the Highway Code (cite). Employer should already have systems in place – evolutionary. References throughout document to legal duties.

### **Finding out if you have a problem**

5. A paragraph listing indicators that show there might be a problem for employers in the way they manage their on-the-road activities eg insurance claims, sickness rates, garage down time etc. The problem relates not only to those on the road as an integral part of their work, but also to those who are only occasionally exposed to road traffic risks.

### **Assessing the risk**

6. A paragraph stating that under the Management Regs, every employer (and self-employed person) should make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed while driving for work purposes, or working on or by roads; and risks to persons arising out of or in connection with the conduct by him of his undertaking. (They should take particular account of the needs and capabilities of young people). They should record the findings of their risk assessments where more than five employees are employed.
7. A paragraph stating that the risk assessment should aim to identify how risks arise and how they impact on those affected. This will help employers decide, in a systematic manner, how to manage the risks and that the action taken is proportionate. The risk assessment should be reviewed periodically to ensure that it remains valid, for example in the light of incidents that take place on the public highway where employees are involved.
8. A paragraph amplifying the purpose of the risk assessment, that it need not necessarily be complex or technical. Explain the five steps to risk assessment, providing examples:

- ✓ identify the hazards: the vehicles - are they safe; the routes - are they suitable; the drivers - their working practices, experience and training, pressures upon them to deliver, working hours; the activities of others eg where employees are working on or by the public highway

- ✓ identify who might be harmed and how: drivers, passengers, members of the public
- ✓ evaluate the risks and assess whether existing precautions adequate or more needed. Take into account different types of driver, vehicle, journey and working practices
- ✓ record significant findings
- ✓ periodically review the risk assessment to ensure it remains valid.

[Boxed text of rules under road traffic legislation – cause and permit etc]

## **Organising for safety**

### *Control*

9. A paragraph saying that under HSW, employers with five or more employees have to prepare a health and safety policy statement. This should include details of the approach to preventing at-work road traffic incidents. Responsibility for implementing the policy should be defined. The policy should be developed in consultation with trade union safety reps or, where none exists, with employees.

10. A paragraph about need/importance of having a policy on the prevention of at-work road traffic incidents, set in the context of the legal duty to prepare a health and safety policy statement and the conduct of risks assessment for all work activities. Should also cover the action to be taken when there is an incident (rewards/ penalties). Legal requirement excludes micro-firms but prudent for them also to consider.

11. A paragraph about aligning the policy to other policies eg drugs and alcohol; and to road traffic legislation/Highway Code where appropriate including requirements relating to tachographs, drivers' hours. Importance of stressing that employees should comply with the Highway Code eg drive within speed limits.

[Boxed text about drink and drugs from Highway Code.]

12. A paragraph setting out the roles and responsibilities of directors, managers, supervisors and drivers and those working on the road to ensure this policy commitment becomes a reality. Especially important as element of supervision not available.

13. A paragraph about setting objectives and introducing performance standards for the company and individual; importance of managers setting an example. Something on allocating resources.

### *Communication*

14. A paragraph about the importance of good communication within firms to help secure good working practices. Information that needs to be communicated includes: road safety policy and what it means in practice; allocation of responsibilities; details of safe working practices; details of where employees can receive further information, instruction and training, feedback to employees. Use of handbooks/logbooks. Important to encourage active interest in road safety issues. Employees should be able to express their views.

### *Cooperation*

15. A paragraph stating that employees have a duty under s7 HSW to cooperate with their employer to enable the employer to comply with their statutory duties ie to drive and/or to work on or by roads safely. The duties placed on employees do not reduce the responsibility of the employer to comply with their duties. In particular, employers need to ensure that employees receive adequate instruction and training to enable them to comply with their duties.

16. A paragraph explaining that employees should take reasonable care of their own health and safety and that of others who might be affected by their actions. Employees should use work items, including vehicles, provided by their employer correctly, in accordance with the training and instruction they received.

### *Competence*

17. A paragraph stating that employers should ensure that employees are capable of driving and/or working on or by roads in a proper way that is safe for themselves and for other people. Employers should ensure that, based on their risk assessment, employees receive sufficient information, instruction and training for this to be the case.

18. Paragraphs setting out ways to ensure this happens. First, at the recruitment, placement stage. This may also include assessments of driver ability, fitness to drive, checking driver credentials, insurance.

19. Second, during employment eg refresher training/driver improvement training. Competence issues surrounding people working on or by roads.

### **Preventing incidents**

20. A paragraph saying that employers and the self-employed should put in place preventive and protective measures to control the risks identified by the risk assessment. A set of principles is set out below which should be used to direct their approach to taking appropriate measures.

21. A paragraph about the hierarchy of preventive measures:

- ✓ if possible, avoid the risk altogether, eg by doing the work in another way. For occupational driving, this would mean considering whether alternatives to the journey or type of travel exist;
- ✓ tackle risks at source rather than taking superficial short term action, eg by giving thought to work scheduling to restrict long hours, choosing vehicles carefully and maintaining them conscientiously, specifying safe routes for journeys and so on;
- ✓ selecting drivers who are entitled to drive the vehicle, ensuring that they and those working on or by roads are competent to do so, for example through driver assessment, providing them with the right amount of information, training and instruction to enable them to drive or work safely; continuing licence inspections;
- ✓ involving employees and their representatives in identifying and putting in place control and other measures;
- ✓ clarifying the roles and responsibilities of all in the management chain from directors to the individual employee; setting standards of what behaviour is expected;
- ✓ crucially, putting in place measures to review experience and take further action where necessary. This creates a loop of continuous improvement and a greater likelihood of improving the health and safety culture within firms; and
- ✓ ensuring that the systems apply equally to those who drive for work only occasionally.
- ✓ Perhaps provide advisory limits eg on drivers' hours. Something on car sharing.

22. Paragraphs about vehicle selection & safety features for the task; and maintenance.

[Boxed text taken from the Highway Code about vehicle condition]

23. A paragraph about safe behaviour on the road:

- ✓ safe systems of work for reversing and other hazardous manoeuvres;
- ✓ dealing with breakdowns and other emergencies;

- ✓ securing loads, safe unloading and loading;
- ✓ carriage/tipping of loads;
- ✓ use of mobile phones;
- ✓ safe systems of work for working on or by roads

Dealing with particular at risk groups eg lone drivers, inexperienced drivers, motorcyclists, bikes, and emergency service vehicles. Something about atypical commuting eg travelling from home to another place of work that is not the normal place of work, commuting after shift or night work.

[Boxed text taken from the Highway Code about adhering to the rules of the road eg speeding, seat belts, in-car distractions, driving in extreme weather conditions etc]

24. Paragraphs about health issues beyond fatigue, stress management eg eyesight testing, first aid issues.

### **Learning from experience**

25 A paragraph stating that employers should monitor how effectively they are controlling risks arising from on-the-road activities and how well they are developing a positive road safety culture. They should record road traffic incidents, investigate their underlying causes and take remedial action.

26 Paragraphs on options for active monitoring of trends in incident rates arising from on-the-road work activities; recording and reporting arrangements; data analysis; link to training.

27 Paragraph about reviewing the risk assessment in light of incidents. Discussion/feedback with employees.

Other issues: action in emergencies, securing competent advice.

## Examples of partnership working

### Derbyshire's Road Safety Interagency Group

The Derbyshire Road Safety Interagency Group consists of representatives from Derbyshire County Council, Derby City Council, North Derbyshire Health Authority, South Derbyshire Health Authority, and Derbyshire Constabulary. The Group formed following a number of years of informal working, to provide a structure to share expertise, opportunities and goals, such as accident reduction and health improvement. A key objective of the work of this group, which is reinforced in Derbyshire's Road Safety Strategy, is Road Safety in the Wider Community. This provided a focus on which our workplace activities have been built. The workplace register was formed to enable contact with firms who were interested in promoting safe practices for drivers. Initiatives include a register of companies, a document outlining policies to put in place regular newsletters and a biannual conference. The workplace register currently stands at 86 members and is growing each week with interest from firms ranging from 2/3 driver companies to companies with over 700 drivers.

### Motorcycles

As part of the work of the Work Related Road Safety Task Group small sub-groups, made up of Government and industry representatives, were set up to look specifically at the risks to those who ride motorcycles for work. In the Despatch/Courier sector, the existing Code of Practice for the industry was reviewed and reissued. The industry is also liaising with the Driving Standards Agency to develop a vocational training package for motorcycle couriers.

In the Fast Food Delivery sector, the Code of Practice for pizza delivery riders was also reviewed and has now been reissued. This has raised the profile of health and safety within the industry. Many employees start work with very little training in the use of the motorbike or moped that they are using. Most complete the CBT (compulsory basic training) a one-day course but do no more. The Industry has now agreed to a second day of training and is liaising with training providers and the DSA to develop a format for this.

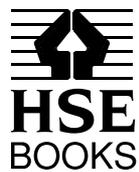
### Blue light driving

Emergency service vehicles responding to emergency calls have an exemption under the legislation to allow them to drive without complying with certain traffic signals eg speed limits and traffic lights. Driving in these circumstances has the potential to create additional risks to the driver, passengers and members of the public (in particular the increasing use of private ambulance companies within the health services has led to concerns about the standards of training provided for their ambulance drivers). A group has been established, co-ordinated by the DSA to discuss training arrangements for drivers using the exemption. They have now established a list of core competencies for drivers. These are being cascaded down through the various organisations that use blue lights and should result in an improvement in standards. In particular the Department of Health has sent copies to National Health Trusts so that they can use it in their discussions with prospective private contractors.

### Fleet safety

The Fleet Safety Forum is a not-for-profit organisation set up in 1997 providing fleet managers with an opportunity to network and share best fleet safety practice, ranging from safe maintenance of vehicles to ensuring that drivers are properly assessed for safety and that managers implement road safety risk assessments and policies, such as recording and analysing data. The Forum achieves this through information sheets, newsletters and the provision of seminars to its 1000+ members.





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