

2017

Grey Fleet and Legal Compliance



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15 March 2017

The Grey Fleet Landscape

There are an estimated 14,000,000 Grey Fleet drivers in the UK alone

Driving is the number one occupational risk at work, and is typically the most dangerous activity your employees will undertake. Your business therefore has a clear duty of care and health and safety obligations to fulfil. Up to 1 in 3 road crashes involves a vehicle being driven for work. Of these, 200 people will suffer death or serious injuries. Yet the consequences are not limited to serious injury or death: a third of those injured in road traffic accidents will take more than a week off work. In fact, a UK business driver covering 25,000 miles per year has a 1 in 8,000 chance of being killed at work – that's a similar occupational risk level as faced by coal miners and agricultural workers!

Grey Fleet definition: There is no distinction between the so-called grey fleet, where employees drive their own vehicle on work-related journeys, and an in-house **company car and van fleet**.

Fleet Management - The ability to demonstrate an accurate and current audit trail is an essential part of fleet management responsibility under the law. It is essential that up-to-date records of all driver and vehicle documentation are kept including additional vehicles where an employee drives more than one owned vehicle. The requirement is equally relevant for organisations that operate a '**Grey Fleet**' vehicle fleet and must be able to demonstrate that the vehicles used on company business are properly taxed, insured, and maintained and that drivers have appropriate licences

Furthermore, the company car is regarded as an extension of the work place and like the work place, it, its driver and what is expected from it needs to be risk assessed.

The law: Employers have clearly defined duties under health and safety law in all EU states for on-the-road work activities. The Health and Safety at Work Act 1974 (HSW Act) states employers must ensure, *so far as reasonably practicable*, the health and safety of all employees while at work. They must also ensure that others are not put at risk by their work-related driving activities.



The Management of Health and Safety at Work Regulations 1999(3) requires that employers manage health and safety effectively. Employers must carry out an assessment of the risks to the health and safety of its employees, while they are at work, and to other people who may be affected by the organisation's work activities. HSE Regulations encompasses all employees driving on company business, irrespective of whether it is undertaken in a company or hired vehicle or alternatively a driver owned vehicle, as well as anyone taking a cash allowance (ie Grey Fleet users)



Employers must consult with their employees and, where applicable, their health and safety representatives, on health and safety issues, including:

- Risks arising from their work
- Proposals to manage and/or control these risks
- The best ways of providing information and training.

Employers and employees also have duties under road traffic law, e.g. the Road Traffic Act and the Road Vehicles (Construction and Use) Regulations, which are administered by the police, and other agencies such as the Driver and Vehicle Standards Agency (DVSA).

In most cases, the police will continue to take the lead on investigating road traffic incidents on public roads. HSE will usually only take enforcement action where the police identify that serious management failures have been a significant contributory factor to the incident. If one of your employees is killed or injured, for example while driving for work, and there is evidence that serious management failures resulted in a 'gross breach of a relevant duty of care', the company or organisation could be at risk of being prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007.



The Penalty - Potentially a custodial sentence and an unlimited fine. Fine guide is up to 10% of turnover (potentially millions of £'s) & an impactful Publicity Order which may damage both individuals and company reputations.

The serious consequences of Failure

All employers have a clearly defined duty of care, both towards their staff who are driving on company business, and towards members of the public with whom their staff may come into contact with.



How Velocity Scotland Limited and ADT can help via its fully managed multi-award winning Grey Fleet Driver Risk Management and Employer Compliance Service

Applied Driving Techniques (Global Solutions) Ltd (ADT) are pleased to be the partner of choice to Velocity Scotland Ltd for the provision of Risk Management Services using its award winning **Riskmapp** Solution.

ADT is a multi-award winning leading provider of Fleet Compliance and Risk Management Solutions that overcome some of the most challenging driver safety issues facing business in the UK, mainland Europe and worldwide. Our unique and fresh approach, suitable for all types and sizes of vehicle fleets, means we are best-placed to understand and minimise the risk factors affecting organisations

Overview of the proposed service

Velocity Scotland Limited has appointed ADT as a partner for the provision of 'Grey Fleet' and 'Operational Road Risk' management services. Below we have set out how we believe this can work:

ADT has been chosen as a partner due to its ability to:

- Provide instant proven award winning service
- Introduce a robust sustainable service which reflects well on the user organisation and Velocity Scotland Ltd
- Supply a service and take the risk of providing a Velocity Scotland Ltd non-core activity where there is therefore an inherent lack of expertise

This proposition is based on a 'White Label' or 'Dual branded' service inclusive of:

- All set up / implementation costs
- Assistance with tender and proposal compilation
- Dedicated Phone Line – answered as Velocity Scotland Limited
- **Riskmapp** system access 24/7 branded as Velocity Scotland Limited
- Face to face account management – by ADT as the Velocity Scotland Limited Manager of Operational Road Risk (MORR)
- Dedicated Helpdesk and E-Mail address – branded as Velocity Scotland Limited
- A free Fleet Safety Audit
- Provision of Velocity Scotland Ltd branded Newsletters
- Manager Webinars to assist with increasing training services where appropriate

ADT delivers measurable improvements to business's by better managing risk, achieving high levels of legal compliance and protecting corporate reputation. As a result, organisations can:

- Meet legal obligations
- Improve driver behaviour
- Minimise environmental impact
- Reduce operational costs
- Reduce insurance premiums
- Enhance employee welfare
- Protect their staff and brand reputation



There is also no distinction between **Lone or Remote Workers** and **Volunteers**. The HSW Act sets out the general duties that employers have towards employees. It also requires employers and the self-employed to protect people other than those at work (e.g. members of the public, **volunteers**, clients and customers) from risks to their health and safety arising out of, or in connection with, their work activities.



In respect of driving at work, the HSE recommends that the following three areas are **risk assessed**. The Driver, the journey and the vehicle

- The **Driver** - Age, Licence, Physical Attributes (Eyesight, Illness) etc.
- The **Driver Attitude** - Speed, Laws of the Road, Other Road users, phone use, etc.
- The **Journey** - Length, Time, Roads used, Breaks etc.
- The **Vehicle** - Age, Condition, Engine Size, ABS/ESP, NCAP etc.



ADT provides **On-Line Risk Assessments** – to ascertain where the risks really are and focus interventions in these areas

Driving on company business is typically the most dangerous activity an employer ever asks an employee to undertake on behalf of its business. Between 800 and 1000 people are killed annually in work- related collisions. One third of all deaths on UK roads are during 'at work' journeys. Business / workplace drivers have collision rates 30-40% higher than ordinary drivers

Setting up and running a system to keep track of all this, can be onerous and we are able to offer systems and a complete service to alleviate the issue for customers



We provide full support ensuring vehicles used for business purposes are legal, roadworthy and safe. The following elements are checked on-line:

MOT status is checked online for all vehicles over three years old to ensure they have a valid pass certificate.

Road Fund Licence status is checked online to ensure the vehicle has a current licence

Otherwise:

Insurance details are checked by requesting a copy of the certificates to ensure appropriate business cover is in place

Service records - Drivers are periodically asked to complete questionnaire about their vehicle in a process of self-certification / self-declaration. A percentage of drivers are requested to provide copies of service records (the ADT system allows drivers to upload docs) which can be scanned and stored on the system. This qualifying element of the process is used as spot checks and have to-date demonstrated, that drivers have provided honest responses and that their vehicles are indeed roadworthy

An employer may have a mix of Grey Fleet and owned vehicles.

Velocity Scotland Limited have experience in profitable Profiled and Risk managed led Fleet Underwriting hence appreciate fully the importance and cost savings to a client targeted Risk Management can make.

In choosing ADT we have a company who has a targeted approach to risk management to assist customers by minimising expenditure and focussing it only where it is needed. We provide a complete and managed service supported by face to face account management and instantly accessible on-line reporting. Our best practice service delivers peace of mind by eliminating Duty of Care, reduces accident claims, enhances employee welfare, improves CSR status and delivers a significant return on investment.

Case Studies

Almirall - Loss Ratio decrease from 191% - 61% (over 12-month period – year one)

UCB -17% reduction in collisions (over 12-month period – year one)

Allianz - 17% drop in claims (over 12-month period) (22% in year 5)

Guide Dogs - 50% saving in annual claims costs – circa £125,000

Corgi - 127% reduction in collision frequency – (over 12-month period – year two)

Merck - Year on year reduction in claims – annual savings of circa £76,000, 46% reduction during first two years

Saving money as well as saving lives



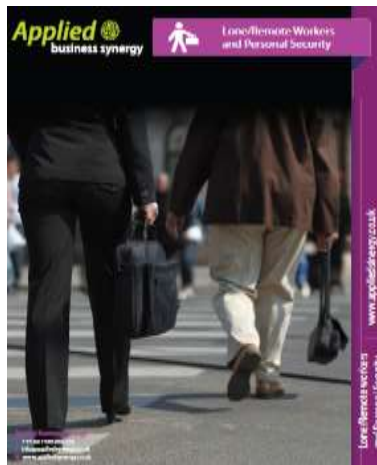
“ADT has worked closely with us to deliver a bespoke solution to meet our training requirements and help us mitigate the risk to our drivers enhancing our safe driving culture. This multi-faceted approach included the roll out of a nationwide program of road safety workshops and the delivery of other targeted support to drivers such as e-learning, theory workshops and in-vehicle training. Not only has this activity been embraced by our staff, we are also delighted to have our efforts recognised by two driver and fleet safety awards from the road safety charity Brake”

Karen James – Head of Health & Safety – The Guide Dogs for the Blind Association



As a parallel service, we also provide a **Lone Worker / Remote Working and Personal Security Risk Management Service**.

The same Duty of Care and Health and Safety at Work legislation applies as per ‘Driving at Work’ and the Employer has an obligation to identify and reduce the risks faced by Lone Workers in general and in particular personal security.



After “driving on business” – the Personal Security of Lone Workers travelling and working remotely on business is probably the greatest other risk they face.

Under current legislation, an employer is required to carefully assess and mitigate all risks to such Lone/Home Workers during the execution of their working activities including:

- Personal security when travelling to and visiting commercial or domestic premises
- Safety when travelling and/or driving on company business.
- Safety when working remotely at a home or non-office based work station.
- Manual handling of company materials and equipment.
- Safety at the site or workplace where they are visiting or working



Our fully-managed “best practice” approach ensures that the “Personal Security” and safety and wellbeing of “Lone/Remote Workers” associated with travelling and working at different locations on business, as well as working remotely in a home-based environment, is fully protected.

We have developed an intuitive online Lone/Remote/Home Worker Risk Assessment Process, which can be “tailored” to meet your precise needs and determine the individual risk faced by employees in different job functions.

This comprehensive, but simple to follow, risk assessment enables us to provide an employer with a full understanding of the varying risks faced by their employees working remotely/alone.

The areas covered by our Tailored and bespoke Risk Assessment Process include:

- Personal Security • Home-based Work Stations • Driving on Business
- Working Activities • Travelling on Business • Using Public Transport

Our service also includes our full support with risk management strategies, along with the implementation and management of a fully bespoke Lone Worker Risk Management Process; collation of related data to produce a Risk Audit Analysis Report (including Audit Trail) and guidance relating to delivery of targeted risk mitigation interventions and training and other “Personal Security” enhancing initiatives eg Phone Apps, Panic Alarms etc.

Summary of the ‘Lone Worker / Remote Working and Personal Security Risk Management Service’

- Provides a fully managed solution and fulfils the employer responsibilities
- Delivers Corporate and Employer Legal Compliance (Duty of Care/HSE etc.)
- “One-stop” hassle free solution to protect your staff travelling and working alone
- Compliments the safety culture of any organisation
- Provides targeted risk mitigation and training (as required)
- Significantly enhances the safety and wellbeing of your Lone Workers
- Provides employees access to optional “Personal Security” Devices (as required)
- Enhances the employers CSR “footprint” and protects Corporate Image



If you require any clarification or further details, please contact Jim Bowles ACII on 07704911947 or by email at jim@velocityscotland.co.uk