

<b>Committee:</b>	<b>Date:</b>
Establishment Committee	16 July 2015
<b>Subject:</b> Corporate Transport Policy (covering all aspects of Work Related Road Risk (WRRR), fleet vehicle and plant management)	<b>Public</b>
<b>Report of:</b> Joint report of the Director of the Built Environment and the Director of Human Resources.	<b>For Decision</b>

### **Summary**

The purpose of this report is to seek approval of a Corporate Transport Policy (CTP) that outlines the corporate expectations to be applied to all City of London Corporation vehicles and employees who drive or operate them or undertake driving duties in their own or other vehicles during the course of their employment.

The policy contains General Responsibilities for Directors and Managers and appendices outlining the requirements for Licence Checking, Driver training and for safely operating vehicles such as safe loading and vehicle weight limits.

This policy does not apply to officers and staff of the City of London Police, who have a separate Policy and Procedures governing the use of police vehicles.

### **Recommendations**

It is recommended that Establishment Committee approve the implementation of the Corporate Transport Policy at Appendix A.

### **Main Report**

#### **Background**

1. Driving is one of the most regular dangerous work activities that our staff do. One third of driver fatalities on the roads involve people who are driving for work. Health and safety legislation places a duty of care on the City of London Corporation as an employer, to identify and control the risks to which our staff that drive in the course of their duties are exposed.
2. A Corporate Transport Policy (CTP) has been drafted, at Appendix (A). The proposed document outlines the organisational policy including general responsibilities of directors, managers and staff to be applied in respects of managing our occupational road risk.
3. This policy does not apply to officers and staff of the City of London Police, who have a separate Policy and Procedures governing the use of police vehicles.

#### **Current Position**

4. As employers we have duties under health and safety legislation for on-the-road work activities. The Health and Safety at Work etc Act 1974 (HSW Act) states we must ensure, so far as reasonably practicable, the health and safety of all employees while at work. We must also ensure that others are not put at risk by our work-related driving activities.
5. 'So far as reasonably practicable' means balancing the level of risk against the measures needed to control the real risk in terms of money, time or trouble.
6. The Management of Health and Safety at Work Regulations 1999 requires us to manage health and safety effectively. If one of our employees is killed, 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 City Corporation could be at risk of prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007.
7. Duties under the Road Traffic Act 1991 also apply we are also duty bound by the Traffic Commissioners, they are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches. They are assisted in this work by deputy Traffic

Commissioners, who preside over a number of public inquiries. The Traffic Commissioner is a tribunal non-departmental public body, sponsored by the Department for Transport

8. Effective management of work-related road safety helps reduce risk. It can also result in:
  - fewer injuries to drivers and damage to our vehicles
  - reduced risk of work-related ill health;
  - reduced risk of accidents and therefore exposure to claims
  - improved cost savings and efficiencies in managing our vehicle fleet
  - Improved motivation through investment in staff training
9. There is currently no Corporate Policy for the management of vehicles and drivers. Systems for managing drivers and vehicles are inconsistently applied and fragmented between departments. This leads to inconsistencies in standards, which without any coordination, monitoring or assurance can potentially expose us to a risk of failure.
10. The law creates some situations where there is no clear ruling, such as the case for Grey Fleet<sup>1</sup> vehicles. Health and safety law does not apply to people commuting (i.e. travelling between their home and their usual place of work), unless they are travelling from their home to somewhere which is not their usual place of work. These areas need coordination and monitoring to maintain corporate consistency.
11. Information on driving procedures or guidance is currently uncontrolled and difficult to access. This Policy seeks to build on our successful Health and Safety management system and integrate Driving as a hazard area in order to facilitate the correct links for managers to be able to improve awareness and compliance.
12. The department of the Built Environment has specialist knowledge in this area and leads the Transport Coordinating Group. As a department they also operate on an O Licence (Operators Licence). An operator's licence is required for all vehicles over 3.5 tonne that will be carrying goods, within the City the fleet consists of these types of vehicles. They have been recognised by various awards from bodies as such as the Fleet Operator Recognition Scheme (FORS) and partner with Amey through the Waste Contract. This department is applying good practice which should be shared and replicated as necessary organisationally. To not do so would demonstrate ineffective organisational management, this, is expected from enforcement agencies such as the HSE and the Transport Commissioner.

## **Proposals**

13. The key risks in managing occupational road risk entail four general areas as detailed below. The Policy will therefore be supported by procedures that will ensure that reasonably practical controls of hazards are controlled.

### **Risk Assessment - Assessing risks on the road**

As an employer we are responsible for assessing the risks to health and safety in our organisation, already clearly accepted and communicated within our Corporate Health & Safety Policy. Risk assessment for any work-related driving activity should follow the same principles as for any other work activity and as such no extra requirements arise with regards to procedures, templates or guidance. The responsibilities in this policy will reinforce those within the Corporate H&S policy specifically for driving operations.

### **Safe drivers**

We have a requirement to ensure our drivers are competent and capable of doing their work in a way that is safe for them and other people.

---

<sup>1</sup> 'Grey fleet' is the term used to describe any vehicles that do not belong to the company, but which are used for business travel. A privately rented vehicle or a vehicle privately owned by an employee. When they are driven on company business, often in return for a cash allowance or fuel expense, these vehicles then become considered part of the 'grey fleet' – and as such fall under the responsibility of the employer.

Are our drivers sufficiently fit and healthy to drive safely and not put themselves or others at risk? This is particularly topical following the tragic events seen over Christmas 2014 where six people were killed after a bin lorry crashed into pedestrians in Glasgow's George Square. One witness described the lorry driver as "slumped over the wheel" and it has recently been confirmed the driver had an undiagnosed heart condition.

### **Safe vehicles**

We have a requirement to ensure our vehicles fit for the purpose for which they are used and that our vehicles are maintained in a safe and fit condition.

We also need to ensure that our drivers' health and safety, is not being put at risk, e.g. from incorrect loading of vehicles or lack of protective systems, seat belts etc, typically identified at the procurement stages.

### **Safe journeys**

Critical to any activity is planning. Routes must be planned thoroughly, work schedules realistic, i.e. enough time to complete journeys. These and other considerations should all feature within the planning for the control and mitigation of any hazards.

## **Licence Checking**

14. In October 2011 Enterprise Managed Services Ltd (EMS) became the contractor responsible for providing vehicle maintenance and Fleet Management function for the City along with the provision of waste collection and street cleansing services. Since 2014 Enterprise were bought out by Amey.
15. For the City of London Amey provide the following fleet management support including but not limited to; providing electronic driving licence checks, transport related management reports, sound engineering and technical advice, compliance with London Low Emission Zone requirements and vehicle maintenance service to all departments, this is currently not accessed by all departments, as such we are not maximising this benefit. This holistic approach managed through the Corporate Transport Policy would benefit the City organisationally and financially.
16. The current cost of providing this service is £79,000 per annum. If the City were to provide the service in-house the staffing cost alone is estimated to be £81,000 plus the procurement and installation of a suitable IT system at a cost of £45,000. Added to this is the annual cost software licence, system maintenance circa. £6,000.
17. Other costs such as DVLA licence check (£4,000) is to be added to the final costs. Overall the benefits to the City are significant from this arrangement, if coordinated.
18. All City departments will be required to load all driver licence details on to CityPeople. The contractor, Amey, will then carry out the DVLA electronic licence check at no additional cost to departments. These additional checks of driving licences will provide assurance that the City is compliant with current safety provision.
19. If the CTP is approved it will sit within the Corporate Safety Management System, as a result of it being a safety policy but managed and implemented, however, by the Department of the Built Environment.
20. All relevant procedures and guidance information to facilitate compliance with the Corporate Policy will be communicated through various existing channels. Primarily the intranet, through the creation of an Occupational Road Risk portal held under the already well established Health & Safety page. Road shows are also being planned to all departments to manage the launch of this new Policy.
21. A calendar of events will be set showing the policies implementation by the Built Environment. This will include signposting to procedures and guidance. Road shows for all departments and staff to give an overview and communicate the changes. The first road show will be aimed at Chief Officers to enable them to understand the impact on their respective departments; this will vary according to their risk profile.

22. A new mandatory corporate training course for drivers will be commissioned and all drivers will be expected to complete it.
23. An integral part of any assurance system is audit. The intention is to introduce a formal audit process for departments to assure compliance. This will provide corporate assurance on this key issue and ensure it is being proactively driven to improve our fleet situation.

### **Corporate & Strategic Implications**

24. The proposal is in line with the City Together Strategy and the theme within the Strategy's vision to support our communities and in particular the goal "to improve people's health, safety and welfare within the City's environment through proactive and reactive measures and policies." It also supports the safer and stronger theme to the strategy and in particular the goals "to continue to ensure the City is a safe place.

### **Implications**

25. If the Corporate Transport Policy and associated procedures laid out in this report are not implemented, the City is at risk of non-compliance with the Health and Safety at Work Act 1974 and associated regulations. A vehicle related fatality could potentially expose the City Corporation to action under the Corporate Manslaughter Act 2007. Duties under the Road Traffic Act 1991 also apply.

26. The direct costs of completing and implementing the CTP are likely to include:
  - Staff costs. The majority of the Corporate Transport Manager's (CTM) time will be spent on the Policy until implementation is complete, and several other Cleansing staff will contribute to a lesser degree.
  - Production of procedural and guidance documents, eLearning transport training module and cost of running road shows to communicate the new Policy to staff. This is expected to be £15,000.00

These costs will be met from the Director of the Built Environment's existing local risk resources, and it is anticipated that most of these costs will be incurred in the current financial year. Any savings have been highlighted above in this report in paragraphs 15 – 18.

27. The on-going cost of managing the transport administration function is included within the new contract with Amey, which resulted in significant overall savings to the City, and will be met from the Director of the Built Environment's local risk budget.
28. CityPeople development costs will be undertaken by the in house team in HR and so there will be no additional costs.
29. The introduction of a robust Corporate Transport Policy if effectively applied will enable the City of London to operate its vehicles in accordance with current legislation and assist in protecting it from the implications of legal non-compliance and the Corporate Manslaughter Act in the event of a vehicle related fatal accident.
30. The Transport policy will impact on some HR policies and will require some changes to the staff hand book and other transport related details. Main areas that impact HR are; Driving licence checks, drink and drugs policy (random drink and drug testing), trackers on vehicles, driver induction procedures, smoking policy. These are currently under consultation with Corporate HR and Occupational Health.

### **Conclusion**

31. Compliance gaps exist in various departments of the organisation, such as:
  - Driver training, standards and authorisation
  - Vehicle Maintenance, checks and statutory inspections
  - Provision for grey fleet vehicles.

Compliance cannot currently be assured as a result. We currently have little corporate consistency within the Work Related Road Risk (WRRR) procedures. The introduction of this transport policy would support the mitigation of risk to the City of London from a potential failure in this area. There are instances where the City is behind the curve when benchmarked against

similar organisations. There are tangible benefits in ensuring that all vehicles are maintained correctly. This will assist in giving the vehicles a longer life span and reducing replacement costs. The Transport Coordinating Group together with the Corporate Transport Manager, stakeholders and the Department of the Built Environment will oversee, implement and monitor the Corporate Transport Policy and procedures.

32. The CTP has been through a full consultation as required per the Health & Safety Policy. It was approved by COG and the Transport Coordinating Group and it has now been put before this committee for approval and adoption as requested.

## **Appendices**

### **A. Corporate Transport Policy**

**Contact:**

| *jim.graham@cityoflondon.gov.uk* |  
020 7332 4972

| *oliver.sanandres@cityoflondon.gov.uk* |  
0207 332 3307