



Legal compliance and risk management

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Introduction

One of the biggest and most important challenges facing fleet managers is ensuring the health and safety of their drivers. With work-related journeys accounting for a staggering 29% of all road deaths and 21% of road casualties (according to a 2021 study for Highways England), it's no surprise there is a huge amount of legislation governing fleet safety.

In today's culture of heightened legal awareness, fleets are rightly concerned about the strength of their risk management strategy. Many are nervous about how they would respond should the worst happen, and they are faced with an investigation following a road accident.

To help you navigate a safe path through the legal minefield of fleet compliance, these are the key points every fleet manager needs to be aware of:

ONE - The importance of legal compliance

Although cost control is, without a doubt, a top fleet management priority, legal compliance goes hand-in-hand with cost efficiency.

Just one serious incident where the company is found to be in breach of its legal obligations can lead to huge fines and in extreme cases, the imprisonment of directors.

Less serious accidents also have considerable financial implications as the cost of insurance excesses, repair bills and loss of productivity all mount up. A conservative estimate puts the true cost of a vehicle collision at twice that of the insurance claim.

TWO – What the law says

As well as the usual road safety laws that all drivers are subject to, fleets must also adhere to a range of additional legislation.

Under the [Health and Safety at Work Act 1974](#), all employers have a duty of care towards their employees and other people affected by the carrying out of business activities.

The [Provision and Use of Work Equipment Regulations 1998](#) sets out standards for ensuring work equipment, including vehicles, is safe for use and operators are properly trained.

The [Management of Health & Safety at Work Regulations 1999](#) requires employers to carry out risk assessments to identify potential hazards and then take measures to control those hazards.

Very importantly, the legislation applies to not only company-owned vehicles but also to any private vehicle that an employee uses for business purposes– the so-called grey fleet.

THREE - The elements of a compliant fleet

The health and safety legislation that fleets must comply with can be broken down into three areas:

The Vehicle

Every vehicle used on company business must be:

- Fit for the purpose for which it is being used.
- Correctly maintained to a safe condition.
- Regularly inspected for defects and damage.
- Adequately equipped with properly fitted and maintained safety provisions

The Driver

Staff members driving for your company (even occasionally) must:

- Be competent and capable of driving in a way that is safe for them and other people.
- Hold the appropriate licence for the vehicle they drive and be appropriately trained.
- Be aware of the minimum standards of driving and vehicle use expected by the company.
- Be adequately fit and healthy to drive safely and not put themselves or others at risk.

The Journey

Journeys need a structure that safeguards the drivers and minimises risk.

- Routes need to be planned in a way that maximises safety and helps drivers avoid hazards.
- Work schedules must be realistic.

- Expectations of the drivers in terms of their hours/rest breaks must be reasonable.
- Consideration needs to be given in the event of adverse weather conditions.

FOUR - Demonstrating compliance

The law requires businesses to carry out risk assessments for any potential hazards posed by their drivers, vehicles and the journeys they make.

The [Health and Safety Executive Guidance on Driving Safely for Work](#) sets out clear criteria for making these assessments. Although at first sight, carrying out risk assessments can appear a complex and time-consuming task, with a common-sense approach they can be relatively straightforward.

The [HSE](#) offers advice and a simple template for a five-step risk assessment process which covers:

- Identifying hazards
- Deciding who might be harmed
- Evaluating the risk
- Recording your findings
- Reviewing the assessment

These assessments must be documented and then used to produce a Fleet Health and Safety Policy.

This policy should clearly state who has specific responsibilities for health and safety and what, when and how they carry out these responsibilities. If you have five or more employees, this policy must be written down. In all cases, the policy must be shared with employees. The HSE provides [guidance](#) and an example policy template.

FIVE - Achieving and maintaining compliance

A fleet needs auditable evidence to prove that all the necessary processes and checks required by law are being carried out. The simplest way to do this is by using fleet management software, which

automatically stores and collates all the various compliance data, removing any doubt that the law is being adhered to. A Fleet Management System, such as that offered by FleetCheck, allows you to log and monitor all the key health and safety processes and alert you to actions which need to be taken.

Key features of FleetCheck's software

- A completely robust audit trail of all driving and vehicle management activity; a fundamental element of fleet compliance.
- Legally templated policies and procedures to help companies develop fleet policies.
- Operator Licence Management to record current operating licences.
- Links to industry accreditation schemes such as DVSA Earned Recognition, FORS or FTA Van Excellence.

Summary

By providing a solid framework to underpin all legal responsibilities, fleet management software gives managers the reassurance they need that their fleet is and will remain fully compliant.